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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 15]

#### PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

##### SUBPART B—VESICULAR EXANTHEMA

#### MOVEMENT OF SWINE AND SWINE PRODUCTS FROM A NON-QUARANTINED AREA

Pursuant to the authority conferred upon the Secretary of Agriculture by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120) § 76.30 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR Supp., Part 76, Subpart B; 18 F. R. 3636, 3829, as amended) is hereby amended in the following respects:

1. Subparagraph (2) of paragraph (c) of § 76.30 is amended to read:

§ 76.30 *Movement of swine and swine products from a non-quarantined area. \* \* \**

(c) *Movement of swine fed raw garbage. \* \* \**

(2) During the period from January 1, 1954, to June 30, 1954, both dates inclusive, swine which have been fed raw garbage but which, for a period of 30 consecutive days just prior to the interstate movement, have been fed cooked garbage or other feeds to the exclusion of any raw garbage, which have been kept on a premise on which no raw garbage has been fed to swine during such 30-day period, and which have not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area, if accompanied by a certificate signed by an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose, stating that as far as he has been able to determine such swine have been fed cooked

garbage or other feeds to the exclusion of any raw garbage for a period of 30 consecutive days just prior to the interstate movement and that a visual inspection of all swine on the premises of origin just prior to movement therefrom disclosed no indication of vesicular exanthema. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

2. Subparagraph (2) of paragraph (d) of § 76.30 is amended to read:

(d) *Movement of swine products derived from swine fed raw garbage. \* \* \**

(2) During the period from January 1, 1954, to June 30, 1954, both dates inclusive, swine products derived from swine which had been fed raw garbage but which, for a period of 30 consecutive days just prior to slaughter, had been fed cooked garbage or other feeds to the exclusion of any raw garbage, which had been kept on a premise on which no raw garbage had been fed to swine during such 30-day period, and which had not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

The amendment is in the nature of a relief of restrictions in that it extends to June 30, 1954, the provisions contained in § 76.30 (c) (2) and (d) (2) of the regulations permitting the interstate movement, from a non-quarantined area, for any purpose, of swine which have been fed raw garbage but which have been fed cooked garbage or other feeds to the exclusion of any raw garbage for 30 days prior to such movement and of swine products derived from swine which had been fed raw garbage but which had been fed cooked garbage or other feeds to the exclusion of any raw garbage for 30 days prior to slaughter, provided the other requirements of said provisions are complied with. The present provisions terminate December 31, 1953. The amendment should be made effective on January 1, 1954, in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Admin-

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Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective January 1, 1954.

(Secs. 1, 2, 32 Stat. 701-702, as amended; 21 U. S. C. 111, 120)

Done at Washington, D. C., this 31st day of December 1953.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 54-78; Filed, Jan. 6, 1954; 8:46 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board,  
Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System  
[No. 6729]

PART 144—CHARTER AND BYLAWS

ADOPTION OF CHARTER N OR CHARTER K  
(REV.)

JANUARY 4, 1954.

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1) the heading and first sentence of § 144.3 of the rules and regulations for the Federal Savings and Loan System (24 CFR 144.3) are hereby amended, effective January 7, 1954, to read as follows:

§ 144.3 *Adoption of Charter N or Charter K (rev.)* A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of Charter N or Charter K (rev.), by majority vote of

such association's members present at any duly called regular or special meeting of members and the members of a Charter N Federal association may similarly amend such association's charter in its entirety to read in the form of Charter K (rev.) *Provided*, That, in the case of a Federal association that has a Charter K or Charter N, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal.

Resolved further that, as the foregoing amendments are procedural in nature, notice and public procedure thereon are found unnecessary and, as they should take effect immediately in order to enable Federal savings and loan associations desiring to do so, to take advantage of the provisions thereof at their annual meetings of members to be held in January of 1954, it is determined that deferment of the effective date of these amendments would not be in the public interest and such amendments shall take effect upon publication in the *FEDERAL REGISTER*.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 54-94; Filed, Jan. 6, 1954;  
8:50 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 77<sup>1</sup>]

#### PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

#### PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

#### PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

##### PART 376—PERIODIC REQUIREMENTS LICENSE

##### PART 377—TIME LIMIT (TL) LICENSE

##### PART 379—EXPORT CLEARANCE

##### PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

##### PART 381—ENFORCEMENT PROVISIONS

#### PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

#### MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended in the following particulars:

a. Paragraph (b) *Import certificate covering imports into United States* is amended to read as follows:

(b) *Import certificate covering imports into United States*—(1) *General*. Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an import certificate, such person shall apply for his certification by filling out and executing Form IT-826, in duplicate (in triplicate for "source material" or "facilities for the production of fissionable material" as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission)

(2) *Where to file*. (i) All requests for certification and validation of import certificates or requests for amendments of import certificates may be filed with the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or with any of the following field offices of the Department of Commerce:

Boston.	Los Angeles.
Buffalo.	Miami.
Chicago.	New Orleans.
Cincinnati.	New York.
Cleveland.	Philadelphia.
Dallas.	Pittsburgh.
Detroit.	Portland.
El Paso.	San Francisco.
Houston.	Savannah.
Jacksonville.	Seattle.

(Blank forms are obtainable at the same offices or any other field office.)

(ii) The import certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(3) *"Cross reference card"* (Form IT-827). In submitting Form IT-826, the United States importer shall fill out and attach a "cross reference card" Form IT-827, showing his name and address. Form IT-826 will be returned without action unless accompanied by a cross-reference card.

(4) *Statements and representations* (i) All statements and representations made in an import certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the import certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the import certificate shall be promptly disclosed to the Department of Commerce by the United States importer. Such disclosure shall be by presentation of an amended import certificate which sets forth all changes of facts or intention, and shall be accompanied by the original import certificate bearing the certification of the Department of Commerce. In those cases where the original import certificate has been transmitted by the United States importer to his foreign exporter, the United States importer must, wherever possible, obtain the original import certificate prior to applying for an amendment of such certificate. Where the original import certificate is unobtain-

able because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer must submit a written statement giving his reason or reasons for failure to submit the original certificate.

(ii) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT-826 are hereby incorporated as a part of this part with the same force and effect as if set forth in full in this part.

b. In paragraph (c) *Reexportation or transshipment of commodities covered by a U. S. import certificate* the words "the export regulations" are substituted for the words "Parts 370 to 399, inclusive"

This part of the amendment shall become effective as of December 24, 1953.

2. Section 370.1 *Definitions* is amended in the following particulars:

a. Paragraph (n) *Accepted order* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

b. Paragraph (o) *Export control document* is amended to read as follows:

(o) *Export control document*. (1) "Export control document" means a validated export license; an application for a validated export license, including any supporting documents; an ultimate consignee or purchaser statement; an import certificate and delivery verification, as specified in Parts 368 and 373 of this subchapter; a shipper's export declaration presented to a collector of customs or postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a collector of customs or postmaster; a dock receipt or bill of lading issued by any carrier in connection with any exportation subject to the regulations in this part; and any other document provided under the regulations in this part to be evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

(2) "Export control document" also means the following documents: Customs Form 3139, Application for Identification Card of Authorized Forwarding Agent or Exporter; Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof; and Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit when used for Transportation and Exportation (T. & E.) or an Immediate Exportation entry (I. E.).

This part of the amendment shall become effective as of January 23, 1954.

3. Section 370.2 *Prohibited exportations* is amended by the addition of the following paragraph (c)

(c) *Revocation of licenses*. All export licenses are subject to revision, suspension, or revocation without notice.

<sup>1</sup>This amendment was published in Current Export Bulletin No. 721, dated December 24, 1953, and in the reprint pages, dated December 24, 1953.

## RULES AND REGULATIONS

This part of the amendment shall become effective as of January 23, 1954.

4. Section 370.4 *Exportations authorized by Government agencies other than BFC* is amended in the following particulars:

a. Paragraph (a) *Arms, ammunition, and implements of war. Helium* is amended to read as follows:

(a) *Arms, ammunition, and implements of war. Helium.* Regulations promulgated by the Secretary of State under the authority of section 12 of the Joint Resolution of Congress approved November 4, 1939 (54 Stat. 11, 22 U. S. Code 452) and sections 3 and 4 of the Helium Act of September 1, 1937 (50 Stat. 886 and 887; 50 U. S. Code 165) shall continue to govern the exportation of arms, ammunition, and implements of war, and helium, except that no export license shall be issued where the proposed exportation would be contrary to the foreign policy of the United States.

NOTE: 1. *Arms, ammunition, and implements of war.* (a) Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document "International Traffic in Arms." Copies of this publication are furnished by the Department of State upon request.

(b) An application to export any of the following articles, which are listed in Proclamation 3038, effective January 1, 1954, should be made on the license form obtainable from the Department of State.

(c) Any inquiries as to the applicability of Proclamation 3038 to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Office of Munitions Control, Department of State, Washington 25, D. C.

#### CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

#### CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

#### CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

#### CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

#### CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking, and infrared and other night-sighting equipment; range, position and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gunsights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

#### CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited

endurance in water), military half tracks, military type tank recovery vehicles, and gun carriers.

#### CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Biological or chemical toxicological agents adapted for use in war to produce casualties or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

#### CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

#### CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine nets.

#### CATEGORY X—AIRCRAFT

Aircraft and airborne equipment.

#### CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic counter-measure and jamming equipment; underwater sound equipment; all other electronic equipment specially designed for military use; radio-communications equipment bearing a military designation; electronic navigation aids specially designed for military use such as radio direction finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems such as Raydist, Loran, and Decca.

(b) Aerial and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

#### CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

The description of each category indicated above shall be construed to include such components, parts, accessories, attachments and related items as may be designated by the National Munitions Control Board. Exporters should also refer to the regulations issued by the Secretary of State.

2. Helium gas—(a) General regulations. Regulations governing the exportation of helium gas may be found in the document "International Traffic in Arms," published by the Department of State.

(b) Legislative authority. Helium gas is licensed for export under the authority of the act of September 1, 1937. Application blanks for the exportation of this commodity are also furnished by the Office of Munitions Control, Department of State.

b. In paragraph (b) *Gold* the words "the export regulations of the Department of Commerce" shall be substituted for the words "Parts 370 to 399, inclusive"

c. In paragraph (c) *Narcotics* the words "The export regulations of the Department of Commerce" shall be substituted for the words "The regulations contained in Parts 370 to 399, inclusive"

d. In paragraph (e) *Vessels* the words "Presidential Proclamation 3038" are

substituted for the words "Presidential Proclamation 2776"

This part of the amendment shall become effective as of January 1, 1954.

5. Section 372.2 *Applications for licenses*, paragraph (a) *Who may apply*, is amended in the following particulars:

Subparagraph (3), beginning "The signature of the order holder \* \* \*" is amended to read as follows:

(3) The signature of the order holder on the application constitutes a representation on the part of the order holder that (i) the application accurately and fully reflects all of the terms and conditions of the order; (ii) the order holder has no information concerning the export transaction that is inconsistent with or undisclosed by the application; (iii) all documents and records evidencing the order and other facts of the export transaction on which this application is based will be retained by the order holder for three years from the date of receipt by BFC of the application, and will be made available to the BFC upon demand; and (iv) the order holder will inform the BFC of any material or substantive changes in the terms of the export transaction, at the time these facts become known to him, whether before or after the license has been issued.

The remainder of paragraph (a) is unchanged.

This part of the amendment shall become effective as of December 24, 1953.

6. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Item 11 (d) of Note 2. *Preparation of Form IT-419 (Revised April 1952)* following paragraph (c) *Information required* is amended to read as follows:

Item 11 (d). Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified.

This part of the amendment shall become effective as of December 24, 1953.

7. Section 373.1 *Export licensing general policy* is amended in the following particulars:

a. The introductory text is amended to read as follows: "The following general, but not exclusive, policy for export licensing and related procedures are hereby established."

b. Paragraphs (a) *Price*, (b) *Accepted orders: evidence and certification*, and (h) *Commodities subject to this export licensing policy* are deleted.

This part of the amendment shall become effective as of December 24, 1953.

8. Section 373.6 *Export licensing policy for materials covered by NPA M (Materials) Orders* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

9. Section 373.24 *Applicability of multiple commodity group provisions to Commodity Group 3 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

10. Section 373.31 *Applicability of multiple commodity group provisions to Commodity Group 5 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

11. Section 373.39 *Applicability of multiple commodity group provisions to Commodity Group 6 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

12. Section 373.48 *Applicability of multiple commodity group provisions to Commodity Group 7 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

13. Section 373.51 *Insulated wire and cable* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

14. Section 373.54 *Applicability of multiple commodity group provisions to Commodity Group 8 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

15. Section 373.59 *Applicability of multiple commodity group provisions to Commodity Group 9 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

16. Section 376.1 *Periodic requirements license*, paragraph (d) *Waiver of order requirements* is amended by deleting the reference to "373.1 (b)" in the last sentence, which, as amended, reads as follows: "The provisions of § 372.1 (e) relating to export orders are, therefore, waived with respect to applications for Periodic Requirements (PRL) licenses."

This part of the amendment shall become effective as of December 24, 1953.

17. Section 377.3 *Consideration of applications*, paragraph (c) *Orders* is amended to read as follows:

(c) *Orders*. An applicant for a Time Limit (TL) license is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The requirements of § 372.1 (e) of this subchapter relating to export orders are, therefore, waived with respect to applications for Time Limit (TL) licenses.

This part of the amendment shall become effective as of December 24, 1953.

18. Part 379 *Export clearance* is amended by adding thereto § 379.5 *Destination control* and § 379.6 *Return or unloading of cargo at direction of Department of Commerce or Collector of Customs*. These sections are presently numbered §§ 381.4 and 381.5, respectively. This amendment makes no substantive changes.

a. In the Interpretations following § 379.5, as renumbered, the references to "§ 381.4" are amended to read "§ 379.5"

b. In subparagraph (2) of § 379.6, as renumbered, paragraph (a) *Exporting*

*carriers* the words "export regulations" are substituted for the words "export control regulations (Parts 370 through 399)"

c. In subparagraph (3) of § 379.6, as renumbered, paragraph (a) *Exporting carriers* the reference to "§ 381.4 (f)" is amended to read "§ 379.5 (f)"

This part of the amendment shall become effective as of January 23, 1954.

19. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. Subparagraph (3) of paragraph (e) *Changes which require neither amendment nor new license* is amended to read as follows:

(3) Other changes in price (see paragraph (1) (2) of this section).

b. Subdivision (1) of paragraph (g) *Procedure for submitting requests for amendments*, subparagraph (2) *Information required* is amended to read as follows:

(i) The reasons for the requested amendment must be clearly stated in answer to item 10. In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply, where applicable, with the provisions of § 373.65 of this subchapter regarding a statement from the new ultimate consignee or purchaser if the shipment is destined to an R country or with the provisions of § 373.2(c) of this subchapter regarding the submission of an import certificate.

c. Subparagraph (2) *Necessary amendments to show price changes* of paragraph (1) *Price amendments* is amended to read as follows:

(2) *Necessary amendments to show price changes*. Except under the conditions described below, an export license shall be amended for: (i) Any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Positive List of Commodities (§ 399.1 of this subchapter) which do not show a specific unit of quantity are licensed by dollar value), or, (ii) an upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollars.

(a) Where the licensee avails himself of permissible weight and volume tolerances. In such cases, the total value for the commodity shown on the shipper's export declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased, except in accordance with subdivision (ii) of this subparagraph.

(b) Where price increases can be justified before the collector of customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(c) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

d. Subparagraph (3) *Price changes for which amendments are not required* of paragraph (1) *Price amendments* is amended to read as follows:

(3) *Additional price changes for which amendments are not required*. Export licenses need not be amended to show changes in unit or total value where the change involves a reduction in prices: *Provided*, That when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the shipper's export declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declarations.

The note following subparagraph (3) remains unchanged.

This part of the amendment shall become effective as of December 24, 1953.

20. Part 381—Enforcement Provisions, is amended to read as follows:

Sec.	Sanctions.
381.1	Causing, aiding, and abetting a violation.
381.2	Conspiracy, attempt, and solicitation to violate.
381.3	Acting with knowledge of a violation.
381.4	Microrepresentation and concealment of facts.
381.5	Diversion, reexportation, transshipment.
381.6	Licensee accountable for use of license.
381.7	Unauthorized use and alterations of export control documents.
381.8	Trafficking and advertising export control documents.
381.9	Applicability of export denial orders to parties other than those named therein.
381.10	

**AUTHORITY:** §§ 381.1 to 381.10 issued under sec. 3, 63 Stat. 7, as amended; 59 U. S. C. App. Supp. 2923. E. O. 9839, 10 P. R. 12245, 3 CFR, 1945 Supp., E. O. 9319, 13 F. R. 59, 3 CFR 1948 Supp.

§ 381.1 *Sanctions*. (a) Any person who violates the export control law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than \$10,000 or by imprisonment for not more than one year, or both. A violator is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the export control law, and to exclusion from practice before the Bureau of Foreign Commerce.

(b) The submission of false or misleading statements and the concealment of material facts are punishable also under other laws. In addition, commodities attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the export control law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities.

**NOTE:** See Part 382, Denial or Suspension of Export Privileges, and § 384.2, paragraph (a) *Activities of persons appearing before the Bureau of Foreign Commerce in connection with export control matters*.



§ 381.2 *Causing, aiding, and abetting a violation.* It is unlawful for any person knowingly to cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by the export control law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 381.3 *Conspiracy, attempt, and solicitation to violate.* It is unlawful for any person knowingly to conspire or to act in concert with one or more persons in any manner or for any purpose to bring about, or to do any act which solicits the commission of or which constitutes an attempt to bring about, a violation of the export control law or any proclamation, order, rule, regulation or license issued thereunder; and any such act or conspiracy shall constitute a violation.

§ 381.4 *Acting with knowledge of a violation.* It is unlawful for any person, whether as principal or agent or otherwise, to buy, receive, conceal, store, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any exportation from the United States, knowing that with respect to the whole or any part of such exportation, a violation of the export control law or any proclamation, order, rule, regulation or license has occurred, is about to, or is intended to occur.

§ 381.5 *Misrepresentation and concealment of facts—(a) General.* All representations, statements, and certifications made, and material facts concealed, by any person, for the purpose of or in connection with effecting an exportation of any commodity from the United States, or the reexportation, transshipment or diversion of any commodity so exported, or in the course of an investigation or other action instituted under the authority provided in the Export Control Act of 1949, as amended, shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Bureau of Foreign Commerce and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive Orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(b) *Persons liable.* It is unlawful under the export regulations and the export control law, in addition to the provisions of any other law, for any person, whether or not situated in the United States, knowingly to make any false or misleading representation, statement, or certification, or to falsify or conceal any material fact, whether directly to the Bureau of Foreign Commerce, any collector of customs, or an official of any other United States agency, or indirectly through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended, or

(2) For the purpose of or in connection with an exportation from the United States, or the reexportation, transshipment or diversion of any such exportation, or the issuance, or maintenance in effect, of any document relating to export control.

(c) *Types of misrepresentation and concealment.* Without limitation of the foregoing or of any other provisions of the law or the export regulations no person shall, with respect to:

(1) *Country of destination.* Falsely state or conceal the country of ultimate or intermediate destination intended;

(2) *Consignee, purchaser commodity.* Falsely describe or conceal the true commodity, or the true ultimate or intermediate consignee, purchaser, or any other party in interest to the transaction;

(3) *Orders.* Solicit or submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, for the sole purpose of obtaining an export license with the intention not to abide by such order or commitment, or not to perform the terms thereof, whether or not the applicant or licensee is aware of such intention;

(4) *End use.* Falsely state or conceal the end use;

(5) *Ultimate consignee or purchaser statement.* Submit an ultimate consignee or purchaser statement which is false in any respect or which conceals any material fact; or

(6) *Import certificate, delivery verification.* Make any false statement or conceal any material fact in connection with an import certificate or delivery verification.

(d) *Representations to be continuing in effect; notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. It is unlawful for any person who has made such representation, statement or certification to fail to notify in writing the Bureau of Foreign Commerce of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

§ 381.6 *Diversion, reexportation, transshipment.* Except as specifically authorized by the Bureau of Foreign Commerce, it is unlawful for any person knowingly to dispose of, divert, transship or reexport commodities to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification of prohibition against such action, or any other provision of the export control law or any proclamation, order, rule, regulation or license issued thereunder.

§ 381.7 *Licensee accountable for use of license.* The applicant to whom the

license is issued becomes the licensee and will be held strictly accountable for use of the license. It is unlawful, without prior written approval of the Bureau of Foreign Commerce, for the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, except under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other agreement between the licensee or the order holder and the purchaser or ultimate consignee of such commodity.

§ 381.8 *Unauthorized use and alterations of export control documents.* Except as otherwise specifically authorized in the export regulations or in writing by the Bureau of Foreign Commerce, it is unlawful for any person, whether or not the licensee, to obtain, use, or alter, or to assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any exportation or reexportation other than that set forth in such document or except in accordance with all the terms, provisions and conditions thereof.

§ 381.9 *Trafficking and advertising export control documents—(a) Unlawful practices.* Without limitation of any provision of law or of the export regulations it is unlawful for any person, without prior written approval of the Bureau of Foreign Commerce, to do any of the following with respect to any exportation or reexportation under any export control document:

(1) *Transfers or changes of authority.* To effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan or otherwise, to any person, or to permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of the authority granted in, or otherwise to use, an export control document, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect any change of, substitution for, or addition to, the parties named in an export control document; or to transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* To offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove declared unlawful. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Bureau of Foreign Commerce of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for exportation of any commodities, the communication indicates that the proposed seller of such commodities

holds or will furnish a license or other export control document for the exportation of such commodities;

(iii) Where, in offering or soliciting the purchase for exportation of any commodities, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities.

#### INTERPRETATIVE STATEMENT

Sections 381.7, 381.8 and 381.9, among other things, make it unlawful for a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit of or for the "account" of any person other than the licensee, regardless of the device, means or fiction employed; for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or for the named consignee to act "for the account" of a new unlicensed consignee. Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Bureau of Foreign Commerce, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the regulations.

(b) *Transfer of dock receipts, bills of lading, or liens.* (1) Paragraph (a) of this section is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding, or transporting commodities.

(2) However, where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an exportation under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380 of this subchapter.

§ 381.10 *Applicability of export denial orders to parties other than those named therein.* Without prior disclosure of the facts to, and specific authorization of the Bureau of Foreign Commerce, it is unlawful for any person, with knowledge that another person is then subject to an order suspending, revoking, or denying his export privileges or is then excluded from practice before the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) to apply for, obtain or use

any license, shipper's export declaration, bill of lading or other export control document relating to an exportation or reexportation of commodities by, to, or for such suspended person, or (b) to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that such suspended person will directly or indirectly obtain any benefit therefrom. For the purpose of this section the term "suspended person" is defined to include any person, firm, corporation, or other business organization whose export privileges are suspended, revoked, or denied by any order of the Bureau of Foreign Commerce or who is excluded by order from practice before the Bureau of Foreign Commerce; and any other person, firm, corporation, or other business organization also suspended or excluded from practice because of his or its relationship to such suspended person through ownership, control, position of responsibility or other like connection in the conduct of trade involving exports from the United States or services connected therewith during the period of such order, and whether or not named in such order.

**NOTE:** Orders of the Bureau of Foreign Commerce which suspend, revoke or deny the export privileges of any person or which exclude any person from practice before the Bureau of Foreign Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may be then or thereafter (during the term of the order) related by ownership, control, position of responsibility or other such connection in the conduct of trade involving exports from the United States or services connected therewith. See §§ 382.1, 384.2, and 382.51, *Table of compliance orders currently in effect denying export privileges* of this subchapter. This table contains a list of persons whose export privileges are currently revoked, suspended or denied or who are currently excluded from practice before the Bureau of Foreign Commerce. This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the *FEDERAL REGISTER* where complete texts of the orders are published. The publication of such orders in the *FEDERAL REGISTER* constitutes legal notice of the terms thereof to all persons.

This part of the amendment shall become effective as of January 23, 1954.

21. Section 398.5 *DMS: Export allocations and procedures* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 69, 3 CFR, 1948 Supp.)

LORING K. MACY,  
Director,

Bureau of Foreign Commerce.

[F. R. Doc. 54-84; Filed, Jan. 6, 1954;  
8:48 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter G—Procurement

##### PART 591—PROCUREMENT BY FORMAL ADVERTISING

##### PART 592—PROCUREMENT BY NEGOTIATION

##### PART 596—CONTRACT CLAUSES AND FORMS

##### PART 605—PROCUREMENT FORMS

##### PART 606—ARMY EMERGENCY FACILITIES DEPRECIATION BOARD

#### MISCELLANEOUS AMENDMENTS

1. Section 591.203 is rescinded and the following substituted therefor:

§ 591.203 *Maintenance and retention of records*—(a) *Preadward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by formal advertising will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete resumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. Exceptions to this requirement will be made only if responsibility for the file is transferred to another office, or, if early retirement is authorized under pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data such as are involved in awards to other than low bidders, mistake in bid cases, pre-awards surveys, invitations for bids and abstracts of bids, etc., pertaining to a particular contract will accompany such contract at all times.

(b) *Contract administration file.* Each purchasing office or installation which administers contracts awarded by formal advertising will maintain files which will provide a complete resumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon

## RULES AND REGULATIONS

final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

2. Section 592.308 is rescinded and the following substituted therefor:

§ 592.308 *Maintenance and retention of records*—(a) *Preaward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by negotiation will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete résumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. As a minimum in negotiated procurements, a memorandum for record, signed by the Contracting Officer briefly setting forth facts, conclusions and actions regarding the transaction, will be included as part of the file. Exceptions to this requirement will be made only if responsibility for the file is transferred to another office, or, if early retirement is authorized under the provisions of pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data, such as are involved in mistakes in proposals, preaward surveys, etc., pertaining to a particular contract will accompany such contract at all times.

(3) The file containing the records and documents of negotiations referred to in subparagraph (1) of this paragraph shall be identified by a cover sheet designated as "Summary of Negotiation and Contract Award Data." The Head of each Procuring Activity is authorized to publish an appropriate form of such designation and to delegate authority for local reproduction. The form so published shall include as a minimum a checklist and certification substantially as detailed below. Additional items and/or reductions of monetary limits separating Parts I and II of the form,

determined by the Head of a Procuring Activity to be necessary or appropriate to its contract procedure or records thereof, may be included in the form promulgated by the Procuring Activity.

## SUMMARY OF NEGOTIATION AND CONTRACT AWARD DATA

The purpose of this summary, pursuant to § 592.308, is to present a brief statement of basic data as to which complete detail in narrative or documentary form are contained in the assembled file underlying this cover sheet. Each pertinent item on this form is to be completed either by filling in blanks or by the insertion of data appropriate to the purpose of the item and as to which supporting papers are contained in the file.

Contract date ----- Contract No. -----  
Name of Contractor -----

PART I. Items 1 to 8 below will be completed for all negotiated contracts, except those covering small purchase.

1. (Copy of procurement order, requisition, or document upon which procurement is based, or reference thereto.)
2. (Complete justification for negotiation.)
3. (Copy of request for proposals, including drawings and specifications or reference thereto.)
4. Number of requests for proposals distributed -----  
Date of distribution -----  
Number of proposals received -----  
Date of award -----
5. (Statement relative to contingent fees, signed by the Contractor.)
6. (Special contract provisions, or reference thereto.)
7. Small business -----  
(Yes or No.)
8. Regular dealers ----- or  
manufacturer ----- (Yes or No.)

PART II. Items 9 to 14 below will be completed for negotiated contracts which are expected to exceed \$25,000 (except that the Head of each Procuring Activity may reduce the dollar value if desired.)

9. Labor area classification -----
10. Amount of work to be subcontracted \$ ----- percent.
11. (Explanation of any Government financial assistance required by the Contractor.)
12. (Detail of survey or other determination of Contractor's ability to consummate the contract.)
13. (Justification for this award, and determination if required.)
14. (Summary of proposal received, with comparative information on all factors entering into total cost.)

I certify that I have this date reviewed this contract file and that it contains papers in support of the above data and is otherwise considered to provide a clear and complete record of the negotiation and award of this contract.

(Signature) -----  
Contracting officer, or  
Contracting officer's  
representative

(Date) -----

(b) *Contract administration file.* Each purchasing office or installation administering contracts awarded by negotiation will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate

and complete identification and cross-reference to related files. Upon final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

3. Section 596.566 is revoked and § 596.104-12a is amended to read as follows:

§ 596.104-12a *Military security requirements; research and development contracts.* The following clause is approved for use in research and development contracts with educational or non-profit institutions, as a deviation from Armed Services Procurement Regulation (Subchapter A, Chapter IV of this title) pending inclusion in a future revision of Armed Services Procurement Regulation.

## MILITARY SECURITY REQUIREMENTS—RESEARCH AND DEVELOPMENT CONTRACTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to security information classified "Top Secret," "Secret" or "Confidential."

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendix thereto (DD Form 254-1).

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) of this clause, the Contractor, except as otherwise provided in this clause, shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (1) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (2) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor by the Contracting Officer.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c) of this clause, results (1) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification, or (2) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in



compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (1) the application to this contract of such change in security classification or requirements has not been withdrawn or (2) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or in part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f) and (g) of this clause.

(i) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified security information.

§ 596.566 *Master Lump Sum Ship Repair Contract.* [Revoked.]

4. Part 605, Army Emergency Facilities Depreciation Board, is redesignated Part 606, Army Emergency Facilities Depreciation Board, and a new Part 605, Procurement Forms, is added as follows:

Sec.  
605.009 Master Contract for Repair and Alteration of Vessels (DD Form 731).

605.009-1 Applicability.  
605.009-2 Conditions on use.

§ 605.009 *Master Contract for Repair and Alteration of Vessels (DD Form 731)*

§ 605.009-1 *Applicability.* (a) DD Form 731 is prescribed for use in continental United States for contracting for the repair and alteration of vessels and other floating equipment, except for minor repairs accomplished while the vessel remains in the possession of the Government.

(b) DD Form 731 has been printed and copies may be requested through normal publications supply channels.

§ 605.009-2 *Conditions on use.* (a) Provisions of this subchapter, such as those that are applicable to approval of awards, procurement action reporting, advertising, and authority to negotiate apply to the placement of individual job

No. 4—2

orders rather than to the master contract itself.

(b) The provisions of DD Form 731 relating to Government property do not conform to Part 412 of this title. Job Orders placed under DD Form 731 contracts are exempt from the requirements of Part 412 of this title and Appendix B following Part 413 of this title. However, provisions not in conflict with DD Form 731 may be included in individual job orders making Government property furnished under such job orders subject to specific requirements of Appendix B following Part 413 of this title.

(c) Clause 3 (b) of DD Form 731 is in substance a provision for the placement of letter orders for vessel repair work. Accordingly, all orders placed under Clause 3 (b) are subject to the provisions of this subchapter and Subchapter A of Chapter IV of this title relating to letter orders.

(d) For all contracts entered into by the Department of the Army on DD Form 731, all of Clause 8, paragraph (e) will be deleted except the last sentence.

(e) Clause 23 of DD Form 731 entitled "Walsh-Healey Public Contracts Act" is not applicable to contracts for the repair and alteration of vessels entered into by the Army. The Davis-Bacon Act is not applicable to the contracts for the repair or alteration of vessels when the work is placed through competitive bidding and the place of performance is not known at the time when bids are invited or to job orders of \$2,000 or less in amount. The following additional clause shall be included in all contracts entered into by the Army on DD Form 731.

*Clause 39. Alteration in contract.* The following alterations have been made in the provisions of this contract:

(a) Clause 23 entitled "Walsh-Healey Public Contracts Act" is deleted.

(b) In each case where the Davis-Bacon Act is applicable to a job order issued under this contract, such job order will have attached thereto, and will incorporate by reference, the standard Davis-Bacon clause prescribed by the Armed Services Procurement Regulation together with the schedule of wage determinations made by the Secretary of Labor for the work covered by such job order.

(f) Contracts entered into on DD Form 731 will be numbered in accordance with § 590.603-4 of this subchapter. Each job order issued under such contract shall contain a reference to the number of the master contract under which it is issued. The job orders under a master contract shall be numbered in sequence beginning with the Arabic numeral 1. Change orders or supplemental agreements relating to a particular job order shall be numbered in sequence beginning with the Arabic numeral 1.

[Proc. Cir. 30, December 18, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] Wm. E. BERGIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-80; Filed, Jan. 6, 1954; 8:47 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 203—BRIDGE REGULATIONS

##### DELAWARE AND SCHUYLKILL RIVERS, N. J., AND PA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.227 is hereby amended to provide special regulations for the operation of the South Street drawbridge across the Schuylkill River in the City of Philadelphia, Pennsylvania, as follows:

§ 203.227 *Delaware and Schuylkill Rivers, N. J., and Pa. in vicinity of Philadelphia and Bristol; bridges.* \* \* \*

(g) The general regulations contained in paragraphs (a) to (f) inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraph (h) of this section.

(h) *Special regulations for South Street Bridge in Philadelphia.* (1) The owner or agency controlling this drawbridge will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 8 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(3) Upon receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at the time specified in the notice for the passage of the vessel.

(4) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached by telephone or otherwise.

(5) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., December 15, 1953; 823 (Schuylkill River, Philadelphia, South Street)—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] Wm. E. BERGIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-82; Filed, Jan. 6, 1954; 8:47 a. m.]

#### PART 204—DANGER ZONE REGULATIONS MONTEREY BAY, CALIFORNIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and

Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3) § 204.205 establishing and governing the use and navigation of danger zones in Monterey Bay, California, is hereby amended, as follows:

§ 204.205 *Monterey Bay, California—*  
(a) *Firing range, Fort Ord, California—*  
(1) *The danger zone.* \* \* \*

(2) *The regulations.* (i) The 5,000-yard short range area is prohibited to all vessels and craft, except those authorized by the enforcing agency, each week, between dawn and midnight from Monday through Friday and between dawn and dusk on Saturday and Sunday.

[Regs., December 16, 1953; 800.212 (Monterey Bay, Calif.)-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-81; Filed, Jan. 6, 1954;  
8:47 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 3—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

#### UNITED STATES SAVINGS BONDS AND TREASURY SAVINGS CERTIFICATES

In § 8.29 *United States savings bonds and Treasury savings certificates* amend paragraph (b) by the addition of a note to read as follows:

NOTE: Window sales of United States savings bonds at post offices was discontinued generally on December 31, 1953. Window sales of such bonds is permitted at post offices in communities having no local bank or other issuing agent, where warranted by local demand.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 6, 49 Stat. 21, as amended; 5 U. S. C. 22, 369, 31 U. S. C. 757c)

[SEAL] LOUIS J. DOYLE,  
Acting Solicitor

[F. R. Doc. 54-76; Filed, Jan. 6, 1954;  
8:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 3—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

#### GENERAL PURPOSE WATCHES

In the matter of petition of the American Merchant Marine Institute to exempt ocean going vessels using telegraphy from maintaining a radiotelephone watch on 2182 kc.

By the Commission: Commissioner Webster concurring except for paragraphs 3, 4, and 5; Commissioner Bartley dissenting and issuing a statement; Commissioner Hennock dissenting and concurring in the views of Commissioner Bartley.

1. The Commission has received a petition from the American Merchant Ma-

rine Institute (formerly the National Federation of American Shipping) for revision of § 8.223 so as to "exempt from the watch standing requirements of this section vessels which are required \* \* \* to maintain a radiotelegraph watch for safety purposes"

Section 8.223 provides as follows: "Effective on and after January 1, 1954 \* \* \* each ship station \* \* \* licensed to transmit by telephony on one or more frequencies within the band 1600-3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class A3 emission on the radio channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio channels. \* \* \*"

This rule and other related rules were adopted by the Commission on April 23, 1952, following proposed rule making and oral argument in Docket No. 9797. The Commission's Report stated that the requirements of these rules were designed to implement "the view that a calling-working frequency method for the maritime radiotelephone service in the medium and very high frequency bands is highly desirable"

2. In view of the instant petition and a supporting statement filed by the Association of American Ship Owners, the Commission has again examined § 8.223 both with respect to its legal basis and its desirability.

3. The Communications Act of 1934, as amended, confers upon the Commission broad authority to promulgate rules and regulations with respect to the operation of licensed radio facilities in the public interest (National Broadcasting Co. v. United States, 319 U. S. 190) and further makes clear in the case of installations aboard ship, that the promotion of safety of life and property is of primary importance. (See section 1.) The duty to insure that licensed stations are operated in the public interest is supplemented in the case of ship radio installations and operations by additional provisions vesting substantial authority in the Commission over matters connected with radio equipment and its operation on shipboard.

4. Thus, in the case of shipboard radio installations, the Commission not only has its customary authority to classify stations (303 (a)) prescribe the nature of the service to be rendered (302 (b)) etc., and to make such regulations not inconsistent with law as it may deem necessary to carry out these provisions, but it is also given wide additional authority to protect life at sea. (See sections 320, 321, and 325 of the act) While it is true that the statute contains no specific provision authorizing the Commission to prescribe watches in connection with voluntarily installed radiotelephone installations, Congress did not attempt in the Communications Act, even with respect to mandatory equipment, to fill in all details or to delineate every aspect of the broad regulatory powers with which it was endowing the Commission. Nor has an examination of the legislative history of Part II of Title III disclosed any indication that Congress, in imposing the compulsory watch requirements of sec-

tion 353(c) intended to preclude Commission action to require watches in cases not covered by that provision. Since the Commission has broad powers which, in the case of shipboard installations, are focused upon safety, the absence of specific language conferring authority does not vitiate these powers.

5. The rule in question clearly is not inconsistent with any provision of the Communications Act or treaty. It is complementary to existing statutory and treaty provisions. The furtherance of safety of life at sea is a cardinal purpose of the Communications Act (section 1), and as such is obviously within the concept of the public interest as applied to the operation of shipboard radiotelephone facilities. A rule which maintains the value of such facilities as instruments of safety is therefore an implementation of the statutory purpose. It is, therefore, our opinion that the adoption of § 8.223 was legally warranted under the authority conferred upon the Commission by the Communications Act.

6. Re-examination of the desirability of applying the requirements of § 8.223 to vessels compulsorily equipped with a radiotelegraph installation has, however, raised questions as to the value of the requirement with respect to such vessels.

7. There is no doubt, but, that in the absence of treaty or legislation which makes the wide-spread installation of radiotelephone equipment mandatory, an effective radiotelephone safety system must depend upon general voluntary installation of such equipment. Experience has shown that the effectiveness of search, aid and rescue operations utilizing radio is a function, among other matters, of the number of vessels (and coast stations) equipped with radio transmission and reception facilities. It appears, therefore, that it is incumbent upon the Commission to exercise its regulatory authority so as to encourage the voluntary installation of radiotelephone equipment upon a maximum number of vessels.

8. It appears that with respect to vessels compulsorily equipped with radiotelegraph installations for safety purposes and thereby required by law to maintain watch on the radiotelegraph calling and distress frequency 500 kc, the additional watch-standing requirement of § 8.223 may be unnecessarily burdensome. Thus, if such vessels did not maintain a radiotelephone watch, the gap between them and vessels fitted solely with radiotelephone equipment could in many instances be bridged by the utilization of coast radiotelegraph stations. This approach is in line with the regulatory policy reflected by the International Convention for the Safety of Life at Sea, London, 1948, wherein it is provided that certain ships shall, unless fitted with a prescribed radiotelegraph installation, be fitted with a prescribed radiotelephone installation and shall, while at sea, listen on the radiotelephone distress frequency during such periods as may be determined by the Administration. Further, statements made by the petitioner indicate that in the absence of relief from the 2182 kc watch requirement, some of the larger ocean-going vessels required by law to

be fitted with radiotelegraph installations and voluntarily fitted with 2 Mc radiotelephone installations will either remove or not utilize such radiotelephone equipment. The elimination of radiotelephone installations on such vessels would tend to lessen over-all safety of life at sea.

9. We, therefore, conclude that pending the accumulation of further information and experience in this regard, vessels compulsorily fitted with radiotelegraph equipment should be excepted from the requirement of § 8.223.

10. Because the requirement here involved would otherwise become effective January 1, 1954, it is impracticable to comply with the public notice and procedure for rule making provided by section 4 of the Administrative Procedure Act. Accordingly *It is ordered*, That effective January 1, 1954, § 8.223 (b) is amended to read as follows:

(b) Except as provided in paragraph (c) of this section and except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by

telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.)

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION

[SEAL] WIL P. MASSING,  
Acting Secretary.

DISSENTING STATEMENT OF COMMISSIONER  
BARTLEY

In my opinion the Communications Act, wholly apart from the compulsory

radio installation provisions contained in Title 3, Part 2, thereof, clearly contemplates the close interdependence of radio stations aboard ships at sea. Section 322 of the act requires ship stations within their scope of normal operations to exchange radio communications or signals with any other station on shipboard. Section 321(b) of the act requires radio stations not only to refrain from interfering with radio distress signals and communications but also to "assist the vessel, in distress, so far as possible by complying with its instructions."

In my judgment, all those who desire the privilege of using a frequency for radiotelephone communications aboard ship should share in the responsibility of maintaining "an efficient watch," in the interest of promoting safety of life at sea for all users.

It seems to me that by allowing the exemption requested by the larger vessels, we weaken the entire program of encouraging the expansion of radiotelephone use and may well reduce its value on small boats which are primarily dependent upon radiotelephone.

[F. R. Doc. 54-83; Filed, Jan. 6, 1954; 8:49 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### [7 CFR Part 963 I]

[Docket No. AO-233-A1]

#### HANDLING OF MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

##### DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Canton, Ohio, on September 24 and 25, 1953, pursuant to notice thereof which was issued on September 15, 1953 (18 F. R. 5629).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Assistant Administrator, Production and Marketing Administration, on December 8, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8178).

The material issues and the findings and conclusions of the recommended decision (18 F. R. 8178; F. R. Doc. 53-10373) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set

forth in full herein subject to the following revision:

1. In the last paragraph beginning in column 3, page 8178, change the fifth sentence to read as follows: "The present schedule of standard utilization percentages is based upon the assumption that the supply of milk is normal in relation to sales during November, the usual month of lowest production, when the total utilization of Class I milk in the market is equal to 85 percent of the receipts of milk from producers."

*Rulings.* Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

*Determination of representative period.* The month of October 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Stark County, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," which have been

decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 31st day of December 1953.

[SEAL] JOHN H. DAVIS,  
Assistant Secretary of Agriculture.

#### Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Canton, Ohio, on September 24 and 25, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as set forth below:

The provisions of the "Recommended marketing agreement and order" contained in the recommended decision issued by the Deputy Assistant Administrator, Production and Marketing Administration on December 8, 1953 and published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8181, F. R. Doc. 53-10373) shall be and are the terms and provisions of this order as if set forth in full herein.

[F. R. Doc. 54-79; Filed, Jan. 6, 1954; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 1, 43 ]

[Docket No. 10830]

#### REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

#### NOTICE OF PROPOSED RULE MAKING

In the matter of rescission of Statistical Circular No. 2, Annual Statistical Report for Small Communication Carriers (by Wire or Radio), and Statistical Cir-

cular No. 3 for Class C Telephone Carriers; Corresponding revision of Part 1 of the Commission's rules, Docket No. 10830.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective with the 1953 reporting year, it is proposed to rescind Statistical Circular No. 2 prescribed as an annual report for miscellaneous classes of small communication carriers (telephone, telegraph, and radio-telegraph carriers having annual operating revenues not exceeding \$50,000) and Statistical Circular No. 3 prescribed as an annual report for Class C telephone carriers (those having annual operating revenues exceeding \$50,000 but not more than \$100,000). In lieu of requiring these annual reports, it is proposed to solicit through correspondence with individual carriers or groups of carriers, such information as may be required for the performance of the Commission's functions.

3. Consistent with the foregoing it is also proposed to revise § 1.544 (a) of the Commission's rules and regulations as follows: Delete subparagraphs (6) and (7) and change the number designation of present subparagraph (8) to (6).

4. Any interested party who is of the opinion that the above proposals should not be adopted or should not be adopted in the manner proposed herein, may file with the Commission, on or before January 22, 1954, a written statement or brief setting forth his comments. At the same time persons favoring the proposal may file statements in support thereof. Statements or briefs in reply to original comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments that are received before taking final action in the matter, and if comments are received which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: December 30, 1953.

Released: January 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-92; Filed, Jan. 6, 1954; 8:50 a. m.]

### [ 47 CFR Parts 6, 21 ]

[Docket No. 10821]

#### DOMESTIC PUBLIC RADIO SERVICES

#### NOTICE OF PROPOSED RULE-MAKING

1. Notice is hereby given of proposed rule-making in the above entitled matter.

2. The purpose of this proceeding is to delete from present Part 6 of the rules those provisions which relate to domestic radio services (§ 6.101, et seq., to end of Part 6) and to transfer such pro-

visions, with certain amendments and additions, to a new part designated as Part 21. This new part sets forth the rules and regulations applicable to all domestic public radio services other than Aeronautical, Maritime, and certain Alaskan and Special Emergency Services. Thus, the new part contains rules for the regular operation of such common carrier services as Land Mobile, and those heretofore described as Microwave Relay, Short Haul Toll, Rural Radiotelephone, TV Pickup and STL, Developmental, Domestic Control, Repeater, etc.

3. This notice of proposed rule-making is issued during the pendency of several proceedings involving proposals affecting the use of various frequency bands (Dockets Nos. 10315, 10345 and 10797) as more particularly indicated at appropriate places in the proposed rules. It is intended that final action in the instant proceeding will be coordinated with, and dependent upon, the final action taken in these proceedings. It should be particularly noted that any authorizations with respect to facilities utilizing frequencies in the 72-76 Mc. band will carry a condition that such authorizations may be modified or terminated at any time without hearing, upon notice to the grantee, as may be required by final disposition of the proceedings in Docket No. 10315.

4. The proposed rules, authority for which is contained in sections 4 (1) and 303 of the Communications Act of 1934, as amended are set forth below.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before February 26, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 23, 1953.

Released: December 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

1. Delete from Part 6 of the Commission's rules, § 6.101, et seq., to end of part, and adopt new Part 21 as set forth below:

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Sec.

21.0 Basis and purpose.

#### SUBPART A—DEFINITIONS

21.1 Definitions (as used in this part).

## SUBPART B—APPLICATIONS AND LICENSES

- Sec.  
21.10 Station authorization required.  
21.11 General citizenship restrictions.  
21.12 Place of filing applications and number of copies.  
21.13 Subscription and verification of applications.  
21.14 Informal applications.  
21.15 Content of applications.  
21.16 Additional statements.  
21.17 Form of amendments to applications.  
21.18 Amendments of applications ordered.  
21.19 Application for special temporary license.  
21.20 Defective applications.  
21.21 Inconsistent and conflicting applications.  
21.22 Repetitious applications.  
21.23 Amendments of applications.  
21.24 Dismissal of applications.  
21.25 Partial grants.  
21.26 Grants without a hearing.  
21.27 Designation for hearing.  
21.28 Transfer and assignment of station authorization.  
21.29 Forms to be used.  
21.30 Period of construction.  
21.31 Forfeiture of station authorizations.  
21.32 License period.

## SUBPART C—TECHNICAL STANDARDS

- 21.100 Frequencies.  
21.101 Frequency stability.  
21.102 Frequency measuring or calibrating apparatus.  
21.103 Types of emission.  
21.104 Bandwidth of emission.  
21.105 Emission limitations.  
21.106 Transmitter power.  
21.107 Directional antennas.  
21.108 Antenna polarization.  
21.109 Simultaneous use of common antenna structure.  
21.110 Marking of antenna structures.  
21.111 Description of station location.  
21.112 Mobile station antenna height restrictions.  
21.113 Method for determining average terrain elevation.  
21.114 Topographical data.  
21.115 Transmitter location.  
21.116 Transmitter construction and installation.  
21.117 Limitation on use of transmitters for other services.  
21.118 Acceptability of transmitters for licensing below 500 Mc.

## SUBPART D—TECHNICAL OPERATION

- 21.200 Station inspection.  
21.201 Posting of station authorizations.  
21.202 Transmitter identification card.  
21.203 Posting of operator licenses.  
21.204 FCC publications required for reference.  
21.205 Operator requirements.  
21.206 Inspection and maintenance of antenna structure obstruction marking and associated control equipment.  
21.207 Transmitter measurements.  
21.208 Station records.  
21.209 Communications concerning safety of life and property.  
21.210 Suspension of transmission.  
21.211 Operation during emergency.  
21.212 Equipment, service and maintenance tests.  
21.213 Station identification.

## SUBPART E—MISCELLANEOUS

- 21.300 Business records.  
21.301 National defense; free service.  
21.302 Answers to notices of violation.  
21.303 Discontinuance, reduction or impairment of service.  
21.304 Tariffs, reports and other material required to be submitted to the Commission.

## Sec.

- 21.305 Reports required concerning amendments to charters, by-laws, and partnership agreements.

## SUBPART F—DEVELOPMENTAL AUTHORIZATIONS

- 21.400 Eligibility.  
21.401 Scope of service.  
21.402 Adherence to program of research and development.  
21.403 Special procedure for the development of a new service or for the use of frequencies not in accordance with the table of frequency allocations.  
21.404 Terms of grant; general limitations.  
21.405 Supplementary showing required.  
21.406 Developmental reports required.

## SUBPART G—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21.500 Eligibility.  
21.501 Allocation of frequencies.  
21.502 Classification of base stations.  
21.503 Geographical separation of co-channel stations.  
21.504 Service area of base station.  
21.505 Antenna height limit for base stations.  
21.506 Power limitation.  
21.507 Types of emission.  
21.508 Authorized bandwidth of emission.  
21.509 Modulation requirements.  
21.510 Permissible communications.  
21.511 Base stations may be authorized only as part of integrated radio system.  
21.512 Communication service to own mobile units.  
21.513 Priorities for service to subscribers.  
21.514 Location of message center.  
21.515 Responsibility for operational control and maintenance of mobile units.  
21.516 Changes in equipment.  
21.517 Control points and dispatch points.

## SUBPART H—RURAL RADIOTELEPHONE SERVICE

- 21.600 Eligibility.  
21.601 Allocation of frequencies.  
21.602 Transmitter power.  
21.603 Types of emission.  
21.604 Authorized bandwidth of emission.  
21.605 Modulation requirements.  
21.606 Permissible communications.  
21.607 Priority of service.  
21.608 Supplementary showing required with applications.  
21.609 Rural subscriber and control exchange stations at temporary fixed locations.  
21.610 Notification of station operation at temporary locations.

## SUBPART I—INTERCITY RADIO SERVICE

- 21.700 Eligibility.  
21.701 Allocation of frequencies.  
21.702 Transmitter power.  
21.703 Emission limitations.  
21.704 Modulation requirements.  
21.705 Permissible communications.  
21.706 Supplementary showing required with applications.

## SUBPART J—LOCAL TELEVISION PROGRAM TRANSMISSION SERVICE

- 21.800 Eligibility.  
21.801 Allocation of frequencies.  
21.802 Assignment of frequencies to mobile stations.  
21.803 Transmitter power.  
21.804 Emission limitations.  
21.805 Modulation requirements.  
21.806 Remote control operation of mobile television pickup stations.

§ 21.0 Basis and purpose. (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agree-

ments to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title II and III of the Communications Act of 1934, as amended, which vests authority in the Federal Communication Commission to regulate common carriers of interstate and foreign communications and to regulate radio transmissions and issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for domestic common carrier operations which require transmitting facilities on land.

## SUBPART A—DEFINITIONS

§ 21.1 Definitions (as used in this part)—(a) *Antenna power gain.* The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db) (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

(b) *Antenna structure.*<sup>1</sup> The term "antenna structure" includes the radiating system and its supporting structures.

(c) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(d) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

(e) *Auxiliary test station.* A land station used for test transmissions only, operating on mobile station frequencies from a specified fixed location, for the purpose of determining the performance of receiving equipment which is remotely located from the base station with which it is associated.

(f) *Base station.* A land station in the land mobile service carrying on a service with land mobile stations.

(g) *Carrier.* In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector produces the modulating wave.

(h) *Carrier frequency.* The frequency of the carrier.

<sup>1</sup>For complete reference to rules and regulations pertaining to coordination of antenna structures and hazards to air navigation, see Part 17 of this subchapter.



(i) *Central exchange station.* A fixed station in the rural radiotelephone service used for transmitting communications to rural subscriber stations associated therewith.

(j) *Communication common carrier.* Any person engaged in rendering communication service for hire to the public.

(k) *Control point.* A control point is an operating position at which an operator responsible for the operation of the transmitter is stationed and which is under the control and supervision of the licensee.

(l) *Control station.* A fixed station used to control directly the operation of other fixed radio stations, or automatically to transmit to an alarm center telemetering information relative to the operation of such stations.

(m) *Dispatch communication.* Two-way voice communication, normally of not more than one minute's duration, between common carrier land mobile stations, or between a common carrier land mobile station and a land line telephone station not connected to a public message telephone system.

(n) *Dispatch point.* A dispatch point is a base station operating position, operated by a subscriber, which is under the control and supervision of the base station licensee.

(o) *Domestic fixed public service.* A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (1) the 48 states and the District of Columbia, or (2) within a single territory or possession of the United States.<sup>2</sup>

(p) *Domestic public land mobile radio service.* A public communication service for hire between land mobile stations wherever located and base stations which are located within the continental limits of the United States or its territories and possessions.

(q) *Domestic public radiocommunication services.* The land mobile and domestic fixed public services the stations of which are open to public correspondence.<sup>3</sup>

(r) *Effective radiated power.* The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

(s) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(t) *Fixed service.* A service of radiocommunication between specified fixed points.

(u) *Fixed station.* A station in the fixed service.

(v) *General communication.* Two-way voice communication, through a base

station, between a common carrier land mobile station and a land line telephone station connected to a public message land line telephone system, or between two common carrier land mobile stations.

(w) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service.

(x) *Intercity radio service.* A domestic public radio service rendered on microwave frequencies by fixed stations between points which lie within the continental limits of the United States or between points in its territories and possessions or to points in nonoverseas foreign countries.

(y) *Intercity station.* A fixed station in the Intercity Radio Service, operating on microwave frequencies, which is used for the transmission for hire of public correspondence between points in the continental United States or between points in its territories and possessions or to points in non-overseas foreign countries.

(z) *Inter-exchange station.* A fixed station in the Rural Radiotelephone Service which is used exclusively for interconnection of public message telephone exchanges.

(aa) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which as used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(bb) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

(cc) *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(dd) *Land station.* A station in the mobile service not intended for operation while in motion.

(ee) *Local television program transmission service.* A domestic public radio service for the transmission of television program material and related communications to television broadcasting stations or to television receiving apparatus associated in a "closed circuit" operation.

(ff) *Message center.* The point at which messages from members of the public are accepted by the carrier for transmission to the addressee.

(gg) *Microwave auxiliary station.* A mobile station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

(hh) *Microwave frequencies.* As used in this part, this term refers to frequencies of the order of 890 Mc. and above.

(ii) *Mobile service.* A service of radiocommunication between mobile and land stations or between mobile stations.

(jj) *Mobile station.* A radio station in the mobile service intended to be used

while in motion or during halts at unspecified points.

(kk) *Private line service.* A service whereby facilities for communication between two or more designated points are set aside for the exclusive use or availability for use of a particular customer and authorized users during stated periods of time.

(ll) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(mm) *Public message telephone exchange.* A wire center at which telephone subscriber lines are terminated, where manual or automatic switching facilities are provided for interconnecting the line of each subscriber to that of another subscriber or to a trunk circuit to another wire center in the same exchange area or to a toll circuit to a more distant exchange.

(nn) *Public message telephone service.* A service whereby telephone facilities are offered to the public for communication between all points served by a carrier or by interconnected carriers on a non-exclusive message by message basis, contemplating a separate connection for each occasion of use.

(oo) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(pp) *Radio station.* A separate transmitter or a group of transmitters including the accessory equipment required for carrying on a radiocommunication service.

(qq) *Rated power output.* The term "rated power output" of a transmitter means the normal radio frequency power output assessed to a transmitter by its manufacturer.

(rr) *Record communication.* Any transmission of intelligence which is reduced to visual record form at the point of reception.

(ss) *Repeater station.* A fixed station established for retransmitting automatically radiocommunications received from one or more land mobile stations and directed to a specified location.

(tt) *Rural radiotelephone service.* A domestic public radio service rendered by fixed stations used to provide (1) public message telephone service rendered through a central exchange station to fixed locations or regular subscriber stations in the same exchange area, in rural areas to which it is impracticable to extend service via land lines, or (2) public message telephone service between land line telephone exchanges which it is impracticable to interconnect by other means, or (3) private line telephone or telegraph service between 2 or more points to which it is impracticable to extend service via land line.

(uu) *Rural subscriber station.* A fixed station in the Rural Radiotelephone Service used for transmitting telephone messages from a subscriber's telephone instrument to a central exchange station.

(vv) *Signaling communication.* One-way communication from a base station to a mobile receiver for the purpose of actuating a signaling device in the

<sup>2</sup> In exceptional cases, facilities within the United States for communication with facilities in Canada or Mexico are also deemed to be in the domestic fixed public service.

<sup>3</sup> Parts 7 and 8 of this subchapter are applicable to Maritime services. Part 9 of this subchapter is applicable to Aeronautical services; and Part 14 of this subchapter is applicable to certain Alaskan services.

mobile unit or for communicating information to the desired mobile unit.

(ww) *Standby transmitter*. The term "standby transmitter" means a transmitter maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

(xx) *Telegraphy*. A system of telecommunication for the transmission of written matter by the use of signal code.

(yy) *Telephony*. A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(zz) *Television*. A system of telecommunication for the transmission of transient images of fixed or moving objects.

(aaa) *Television non-broadcast pickup station*. A land mobile station used for the transmission of television program material and related communications for non-broadcast purposes.

(bbb) *Television pickup station*. A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

(ccc) *Television STL station (studio transmitter link)*. A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

#### SUBPART B—APPLICATIONS AND LICENSES

§ 21.10 *Station authorization required*. No radio transmitter shall be operated in the Domestic Public Radio Services except under and in accordance with a station authorization granted by the Federal Communications Commission.

§ 21.11 *General citizenship restrictions*. A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which any officer or director is an alien.

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof; or any corporation organized under the laws of a foreign government—if the Commission finds

that the public interest will be served by the refusal or revocation of such license.

§ 21.12 *Place of filing applications and number of copies*. (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington 25, D. C. or from any of the Commission's engineering field offices, the addresses of which are listed in section 0.40 of Part 0 of the Commission's rules.

(b) Every application for a radio station authorization, except applications for stations located in the Territory of Alaska, and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., attention of the Secretary.

(c) Applications for station authorizations in the Territory of Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 801 Federal Office Building, Seattle 4, Washington, attention of the Engineer-in-Charge.

(d) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(e) Each application, including exhibits and attachments thereto, for station authorization in the Territory of Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

§ 21.13 *Subscription and verification of applications*. One copy of each application for an authorization shall be signed under oath or affirmation by the applicant, if the applicant be an individual; by any one of the partners, if an applicant be a partnership; by an officer, if the applicant be a corporation; or by a member who is an officer, if the applicant be an unincorporated association: *Provided, however*, That applications may be signed by the attorney-in-fact for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be signed by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 21.14 *Informal applications*. An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and the original copy shall be subscribed and verified as provided in § 21.13. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 21.15 *Content of applications*. (a) Each application, unless otherwise authorized, shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, antenna height, antenna gain and directivity, points or areas of communication, location of the station, full and complete disclosures with regard to the real party or parties in interest, and shall set forth all matters and things required to be disclosed or answered by the application forms and the Commission's rules.

(b) Each application for construction permit for new or additional radio facilities shall be accompanied by a showing of the applicant's legal, financial, technical and other qualifications to be a licensee in the Domestic Public Radio Services.

(c) Except in cases where such information is already on file with the Commission, applications in these services shall include a single copy of:

(1) The partnership agreement properly certified by each of the partners, if the applicant is a partnership.

(2) The by-laws and the acts or articles of incorporation (or charter) including any amendments thereto, if the applicant is a corporation, certified by an officer of the corporation.

(3) The by-laws and articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

(d) Each application for construction permit for new or additional radio facilities shall include a showing that the applicant is financially qualified to construct and operate the proposed facilities. Relative thereto, a copy of the applicant's current balance sheet should be furnished. If a loan or other credit arrangement is to be consummated to finance the proposed operation, full particulars relative thereto should be disclosed, including the identity of the creditor.

(e) Each application for construction permit for new or additional radio facilities shall include a statement of the applicant's technical qualifications. Relative thereto, a showing should be made of the arrangements made to ensure the rendition of good public communication service. Among other things, applicant should disclose the particulars of arrangements to procure the necessary space and personnel for the proposed operations, as well as to show the specific arrangements made to obtain the requisite first or second class licensed radio operators for construction and technical maintenance of the radio installation.

(f) Each application for construction permit for a radio station situated at a

specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied by FCC Form 401-A (revised)<sup>1</sup> in triplicate in all cases when:

(1) The station operates upon frequencies below 890 Mc., or

(2) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level (including any man-made structure on which it is to be mounted). *Provided, however* That FCC Form 401-A is not required for stations operating above 890 Mc. when the antenna is mounted upon an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(3) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however* That FCC Form 401-A is not required for stations operating above 890 Mc. when the antenna is mounted upon an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(4) The antenna structure proposed to be modified is already required to be marked or lighted as a navigation hazard to aircraft.

(g) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

(1) The mobile units for which authorization is sought are for the applicant's own use; and

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application; and

(3) Specific arrangements, the details of which should be set forth, have been made for installation and technical service and maintenance of the mobile units by licensed first or second class radio operators.

(h) Each application for construction permit for radio facilities which are to be used in rendering communication service for hire shall be accompanied by a statement showing the extent to which the applicant intends actively to participate in the day-to-day operation of the proposed facilities. In the event the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operations, including a showing of how control thereof will be retained by the applicant.

<sup>1</sup> For complete regulations relative to antenna clearance requirements, see Part 17 of this subchapter.

(i) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(j) Each application for construction permit for a station intended to operate upon frequencies below 890 Mc. from a specified fixed location, which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized, shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain with respect to a reference half-wave dipole antenna, expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane with respect to a reference half-wave dipole antenna, expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain (see also § 21.113).

(7) Antenna transmission line type, length, and radio frequency power transmission losses between the output of the transmitter and the antenna radiating system, expressed in decibels.

(8) Topographic maps (see also § 21.114) showing thereon:

(i) Exact station location;

(ii) Location of radials used in determining elevation of average terrain.

(iii) Location of the contour describing the limits of the area of reliable service<sup>2</sup> to be covered by the station, if the station is to be used in the Domestic Public Land Mobile Radio Service. If the station is to be used exclusively for the rendition of communication service between specified fixed points, the location of such contour need not be shown.

(k) In the Rural Radiotelephone Service and the Intercity Radio Service, each application for initial installation of a radio station, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by the showing required by §§ 21.608 and 21.706, respectively.

§ 21.16 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 21.17 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 21.18 *Amendments of applications ordered.* The Commission may, upon its own motion or upon the motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

<sup>2</sup> Reference should also be made to § 21.504.

§ 21.19 *Application for special temporary license.* (a) Special temporary license may be granted for the operation of a new or existing station in the Domestic Public Radio Services for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. Except as hereafter provided, no such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. A request for special temporary license may be submitted as an informal application in the manner set forth in § 21.14.

(b) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the President or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant construction permits and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency of war, as Special Temporary Licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

§ 21.20 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to questions, execution or other matters of a formal character will not be received for filing by the Commission, unless the Commission shall otherwise permit, and will be returned to the applicant with a brief statement as to the omissions.

(b) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied by a request of the applicant for a waiver of, or an exception to, any rule, regulations or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) Applications tendered for filing are given a file number. The assignment of a file number to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 21.21 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the bene-

fit of said applicant, will be considered by the Commission.

§ 21.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity for a hearing with respect to a particular application for a new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 21.23 *Amendments of applications.* (a) Any application may be amended as a matter of right, prior to the designation of such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

§ 21.24 *Dismissal of applications.* (a) Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only before public notice of the issuance of a proposed decision proposing denial of the application, upon written petition properly served upon all parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition.

(c) An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 21.25 *Partial grants.* Where the Commission, without a hearing, grants any application in part, or with any priv-

ileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if a designated application or applications are subsequently granted, the applicant will be informed of the reasons for such action and the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, return the instrument of authorization and file with the Commission a written statement rejecting the grant as made and setting forth the reasons why the application should be granted as originally requested. Upon receipt of such statement, the Commission will vacate its original action upon the application and reconsider the same. Upon such reconsideration, it will either grant or set the application for hearing in the same manner as other applications are set for hearing.

§ 21.26 *Grants without a hearing.* (a) Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (1) the applicant is legally, technically, financially and otherwise qualified; (2) a grant of the application would not cause harmful interference to an existing station or station for which a construction permit is outstanding within its service area, (3) a grant of the application would not preclude the grant of any pending application; and (4) a grant of the application would serve the public interest, convenience or necessity, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was tendered for filing with the Commission not later than the close of business one business day preceding the day on which the Commission takes action with respect to the application under consideration.

(c) When any instrument of authorization is granted without a hearing, such grant shall remain subject to protest for a period of 30 days. During such 30-day period, any party in interest may file a protest under oath directed to such grant and request a hearing on such application. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Within 15 days from the date of filing of such protest, the Commission will make findings as to whether such protest meets the foregoing requirements and, if it so finds, the application involved will be set for hearing upon the issues set forth in such protest, together with such further specific issues, if any, as may be prescribed by the Commission. With respect to all issues set forth in the protest and specifically adopted by the Commission, both

the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(d) Pending the hearing described in paragraph (c) of this section, and the decision thereon, the effective date of the Commission's action to which protest is made will be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission will authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

§ 21.27 *Designation for hearing.* (a) If, upon examination of any application, the Commission is unable to find that the public interest, convenience and necessity would be served by a grant thereof, it will forthwith notify the applicant and other known parties in interest of the grounds and reasons for its inability to make such finding. Such notice will advise the applicant and all other known parties in interest of the objections made to the application as well as the source and nature of such objections. The applicant will be given a period of 30 days from the date of such notice within which to reply thereto. If the Commission, after considering such reply, shall be unable to find that public interest, convenience, or necessity would be served by the grant of the application, it will designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor.

(b) The parties in interest, if any, who are notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis for their interest at any time not less than 10 days prior to the date of hearing.

(c) At any hearing subsequently held, the applicant shall have both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues.

(d) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one or more of such mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest



and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provision of an international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 21.28 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such authorization, to any person, except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby. Requests for authority of the type referred to herein shall be submitted on the forms prescribed by § 21.29 (h) and shall be accompanied by the further showing required by § 21.29 (h)

§ 21.29 *Forms to be used—(a) Application for construction permit for base stations and fixed stations.* A separate application for construction permit shall be submitted for each base station and each fixed station. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for construction permit for mobile stations.* A separate application on FCC Form 401 shall be submitted for a construction permit for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however* In the Domestic Public Land Mobile Radio Service, an application for construction permit for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile and base station installations. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15 (g). In the case of mobile transmitters, including hand-carried or pack-carried units which are purchased as a complete packaged unit and used without modification, the application for license may be submitted simultaneously with the application for construction permit.

(c) *Application for modification of construction permit.* Under circumstances requiring deviation from the terms of a construction permit, before such deviations are begun, application for modification of construction permit shall be submitted on FCC Form 401. No changes shall be effected until authorized by the Commission through issuance of an appropriate modified construction permit.

(d) *Application for extension of expiration date of construction permit.* Application for extension of time within which to complete construction of a station shall be filed on FCC Form 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing, satisfactory to the Commission, of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension (see also § 21.31 (a)).

(e) *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit and upon satisfactory completion of equipment tests in accordance with § 21.212 (a) an application for license to operate the station may be filed on FCC Form 403 prior to the expiration date of the construction permit.

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought to be renewed.

(g) *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. Application for modification of a station license shall be made on FCC Form 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification, unless otherwise permitted.

(h) *Application for consent to assignment, or transfer of control of corporation holder of radio station construction permit or license.* An application on FCC Form 702 or FCC Form 703, as the circumstances require, shall be submitted to the Commission when a construction permit or license, or the control of a corporation holding such permit or license, is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or

legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property of the station pursuant to a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Applications filed on FCC Form 702 or FCC Form 703 shall be accompanied by a factual showing by the assignee of his legal, financial, technical and other qualifications to be the licensee of the radio facilities described in such application.

(i) *Applications for authority to operate mobile units of Canadian registry in the United States.\** Applications for authority to operate mobile units of Canadian registry within the United States shall be made upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington 25, D. C. Forms may be obtained from the FCC Secretary or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

§ 21.30 *Period of construction.* Each construction permit for a radio station in the Domestic Public Radio Services will specify a maximum of 60 days from the date of grant thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 21.31 *Forfeiture of station authorizations.* (a) A construction permit shall be automatically forfeited if construction has not been commenced within the time specified therein or if the station is not ready for operation within the term of the construction permit, or within such additional time as the Commission may have allowed upon a proper showing, upon FCC Form 701 filed prior to the date sought to be extended, that failure to commence or complete construction was due to causes not under the control of the permittee (see also § 21.29 (d)).

(b) A license or special temporary authorization shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license or authorization shall have been filed with the Commission (see also § 21.29 (f)).

§ 21.32 *License period.* Licenses for stations in the Inter-city Radio and Local Television Program Transmission Services will be issued for a period not to exceed five years; licenses for stations in the Domestic Public Land Mobile Radio and Rural Radiotelephone Services will be issued for a period not to exceed three years; except that licenses for develop-

\* *Applications for authority to operate mobile units in Canada.* Applications for authority to operate mobile units, which have been licensed in this service by the Commission, shall be made upon proper form and be filed with the Controller of Telecommunications, Department of Transport, Ottawa, Canada, from whom the application forms are obtainable.



mental stations will be issued for a period not to exceed one year.\*

#### SUBPART C—TECHNICAL STANDARDS

§ 21.100 *Frequencies.* The frequencies available for use in the services covered by this part of the rules are listed in the applicable subparts of this part. Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may specify a time sharing arrangement for the stations involved or may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference.

§ 21.101 *Frequency stability.* (a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.01
50-1,000 Mc.....	0.005
1,000-10,000 Mc.....	0.05
Above 10,000 Mc.....	( <sup>1</sup> )

\*To be specified in the authorization.

(b) Hand or pack carried transmitters having a final stage plate power input of less than 3 watts shall maintain their carrier frequency within the following percentage of the assigned frequency:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.02
50-500 Mc.....	0.01

§ 21.102 *Frequency measuring or calibrating apparatus.* (a) The licensee of each station, other than a mobile station, regulated by the rules of this part shall operate at the transmitter a frequency measuring device independent of the frequency control of the transmitter.

(b) The frequency measuring device shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

(c) Exception to the above provisions of this section may be made provided:

\*In the case of common carrier Television-*STL* and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

(1) The applicant makes a satisfactory showing that the nature of the proposed operations precludes compliance with the above provisions; and

(2) A satisfactory alternative method of maintaining the operating frequency within the allowed tolerance is employed.

§ 21.103 *Types of emission.* The types of emission which the various stations in the Domestic Public Radio Services may use are specified in the rules in this part governing the particular service. (See § 2.201 of this subchapter for information concerning the manner of designating various classes of emission.)<sup>1</sup>

#### § 21.104 *Bandwidth of emission.*

(a) The necessary bandwidth of an emission is the width of the frequency band which is necessary in the over-all system including both transmitter and receiver for the proper reproduction at the receiver of the desired information but does not necessarily indicate the interfering characteristics of the emission. The necessary bandwidth for an emission may be calculated using the formulas in § 2.202 of this subchapter.

(b) The occupied bandwidth is the band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power.

(c) The authorized bandwidth is the band of frequencies, normally centered around the assigned frequency, within which the authorized bandwidth is approximately equal to the occupied bandwidth modified to fall within the standard channeling scheme adopted by the Commission. The authorized bandwidth for stations in these services is specified in the rules relating to the particular service.

(d) Each authorization issued to a station under this part will show as a prefix to the emission classification, a figure specifying the bandwidth authorized to be used by the station. This figure does not necessarily indicate the bandwidth actually occupied by the emission at any instant.

§ 21.105 *Emission limitations.* (a) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(b) Below 500 Mc., any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Authorized power (watts input)	Attenuation (db)
3 watts or less.....	40
Over 3 watts up to and including 25 watts.....	50

<sup>1</sup>The use of FO and AO emission in the 72-76 Mc. band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

Authorized power (watts input)—Continued	Attenuation (db)
Over 25 watts up to and including 150 watts.....	60
Over 150 watts up to and including 600 watts.....	70
Over 600.....	80

(c) Above 500 Mc., any spurious or harmonic emission appearing on any frequency removed from the carrier by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Effective radiated power:	Attenuation (db)
5 watts or less.....	40
Over 5 watts and including 50 watts.....	50
Over 50 watts and including 100 watts.....	60
Over 100 watts.....	70

(d) When an unauthorized emission results in harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

§ 21.106 *Transmitter power.* (a) The power which a station will be permitted to use in these services will be the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may, after notice and opportunity for hearing, order a change in the effective radiated power of a station.

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range:	Rated power output (average)
Below 30 Mc.....	50 watts.
30-50 Mc.....	250 watts.
50-76 Mc.....	50 watts.
76-500 Mc.....	250 watts.
500-10,000 Mc.....	100 watts.
Above 10,000 Mc.....	Unlimited.

(c) Transmitters in these radio services normally will not be authorized where the input parameters of current and voltage which are applied to the final radio frequency stage exceed the values recommended by the tube manufacturers.

(d) The operating power of each transmitter shall be maintained as near as practicable to the power specified in the instrument of station authorization: *Provided, further* That the operating power of each base station transmitter shall not deviate by more than 10 percent above and 15 percent below the authorized power. In the event it becomes impossible to operate within such limits of the authorized power, the station may be operated with reduced power for a period of 10 days or less, provided the Commission and the Engineer-in-Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of normal operating power.

(e) Below 500 Mc., the operating power of stations in these services shall be de-

terminated by the indirect method. This is the product of the plate voltage ( $E_p$ ) and the plate current ( $I_p$ ) of the last radio stage, and an efficiency factor ( $F$ ), that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor,  $F$  shall be that which is established by the transmitter manufacturer for each type of transmitter for which he requests FCC type acceptance, and shall be as shown in the instruction books generally supplied to the customer with each transmitter so approved. In the case of composite equipment, the factor  $F$  shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

§ 21.107 *Directional antennas.* (a) Each station authorized under the rules of this part, other than stations operating in the Domestic Public Land Mobile Radio Service, shall employ a directional antenna oriented with the main lobe of radiation directed toward the receiving station with which it communicates, unless otherwise specifically provided by the rules of this part.

(b) Each station required by the rules of this part to operate with a directional antenna shall not exceed the following limits of beam width, measured in the horizontal plane at the half power points, for the main lobe of radiation:

Frequency range:	Maximum beam width
Below 500 Mc-----	80°
500-1,500 Mc-----	20°
1,500-5,000 Mc-----	12°
5,000-10,000 Mc-----	8°
Above 10,000 Mc-----	3°

(c) Each directional antenna system required by this section shall be adjusted so that maximum radiation in any secondary lobe is suppressed below the maximum level of signal in the main lobe by at least the amount shown below:

*Suppression of Maximum Signal in Any Secondary Lobe Below the Maximum Signal in the Main Lobe*

Frequency	
Below 500 Mc-----	10 db.
500 Mc. and above-----	20 db.

(d) In the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing, order a change in the directional pattern of the antenna.

(e) No change in omni-directional or directional antenna or the patterns thereof shall be effected without prior authorization from the Commission.

§ 21.108 *Antenna polarization.* (a) Unless otherwise authorized, stations operating in the 72-76 Mc. band and each base, mobile and auxiliary test station operating in the Domestic Public Land Mobile Radio Service shall employ an antenna which radiates a signal, the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc. (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and

stations operating in the 72-76 Mc. band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized.

(c) Stations operating in the Domestic Public Radio Services above 890 Mc. are not limited as to the type of polarization of the radiated signal: *Provided, however* That in the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing order the licensee to change the polarization of the radiated signal.

§ 21.109 *Simultaneous use of common antenna structure.* The simultaneous use of common antenna structures by more than one Domestic Public Radio station, or by one or more Domestic Public Radio stations and one or more stations of any other class or service, may be authorized provided complete responsibility for maintaining the structure and for painting and illuminating the structure, when required by the Commission, is assumed by one of the licensees. In each case involving the use of an antenna structure by more than one licensee, the applicant shall submit to the Commission, with his application, a signed and verified copy of the agreement setting forth which party has assumed the aforementioned responsibility.

§ 21.110 *Marking of antenna structures.* No permittee or licensee who has been required to paint or light an antenna structure shall discontinue the required painting or lighting without having obtained prior written authorization therefor from the Commission.

§ 21.111 *Description of station location.* The location of the transmitting antenna shall be considered to be the station location. Applications for stations at specified fixed locations shall describe the transmitting antenna site by its geographical coordinates accurate to the nearest second of latitude and longitude, and also by conventional reference to street number, landmark, etc. Such coordinates shall be specified in terms of degrees, minutes and seconds.

§ 21.112 *Mobile station antenna height restrictions.* The antenna heights employed by mobile stations in the Domestic Public Radio Services shall not exceed the height criteria set forth in § 17.3 of this subchapter unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation and shall be accompanied by FCC Form 401-A (revised) completed in triplicate. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this subchapter.)

§ 21.113 *Method for determining average terrain elevation.* The average elevation above mean sea level of the terrain surrounding a transmitting antenna site shall be determined as follows: Profile graphs must be drawn for at least eight radials from the antenna site.

These profiles should be prepared for each radial beginning at the antenna site and extending 10 miles therefrom. Normally, the radials are drawn for each 45° of azimuth; however, where feasible, the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and correlation of such measurements with predicted field intensities.) In each case, one or more radials must include the points or principal cities to be served, particularly in cases of rugged terrain, even though the point or city may be more than 10 miles from the antenna site. Additionally, where feasible, radials should be drawn in the direction of any co-channel stations which are authorized within 75 miles of the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200 or 400 foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used, although only a relatively few points may be available. The profile graphs should accurately indicate the topography of each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. The average elevation of the 8 mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging these values.

§ 21.114 *Topographical data.* In the preparation of the profile graphs described in § 21.113, and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot eleva-

tions and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. Ordinarily, the Commission will not require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal community to be served. If it appears necessary, additional data may be requested. United States Geological Survey Topographic Quadrangle Maps may be obtained from the Department of the Interior, Geological Survey, Washington 25, D. C. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington 25, D. C.

§ 21.115 *Transmitter location.* (a) Where appropriate to the kind of service to be afforded, the transmitter location should be as near to the center of the proposed service area as possible, consistent with the applicant's ability to find a site with sufficient elevation to provide reliable service throughout the area.<sup>3</sup>

(b) The transmitting location of a base station should be selected so that the area of interference-free service encompasses the urban population within the area to be served.<sup>3</sup>

(c) The applicant shall determine, prior to filing an application for a radio station authorization, that the antenna site specified therein is adequate to render the service proposed.<sup>4</sup> In considering applications proposing the use of such locations, the Commission may require site tests to be made pursuant to a developmental authorization in the particular service concerned. Propagation tests should be conducted in accordance with recognized engineering methods and should be made with a transmitting antenna having a height

<sup>3</sup>Location of the antenna at a high point of elevation is desirable to reduce to a minimum the transmission shadow effect due to hills, buildings or other obstructions which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area, a large region, or specified fixed points of communication. In providing the best service to an area, it is usually preferable to use a high antenna rather than a lower antenna with higher power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal cities or specified fixed points of communication to be served. In no event should there be a major obstruction in this path.

<sup>4</sup>It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

<sup>5</sup>In cases of questionable antenna locations, it is desirable to conduct propagation tests to indicate the field intensity which may be expected in the principal areas or at the fixed points of communication to be served, particularly where severe shadow problems may be expected.

as near as possible to the proposed antenna height, using a balloon or other support, if necessary and feasible. Full data obtained from such surveys and its analysis, including a description of the methods used and the name, address, and qualifications of the engineer making the survey, must be supplied to the Commission.

(d) Antenna structures should be so located and constructed as to avoid making them hazardous to air navigation.<sup>5</sup> The antenna shall be maintained in good structural condition, as well as any required painting or lighting, as a safeguard to life and property both on the ground and in the air.

§ 21.116 *Transmitter construction and installation.* (a) In general, each transmitter authorized to be used in the Domestic Public Radio Services shall be so constructed or installed that all controls thereon which might cause off-frequency operation or result in any unauthorized emission shall be protected from access by unauthorized personnel.

(b) In these services, each station will be provided with at least one control point. Prior authority from the Commission is required for the installation of any control point which is to be at an address different from that of the transmitter or where the transmitter is not within immediate reach of the operator on duty at the proposed control point.

(c) At each transmitter control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to activate the transmitter: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters.

(2) Facilities which will permit the operator to turn transmitter carrier on and off at will.

(d) Except for those stations which normally operate with continuous radiation, or stations which are continuously under the effective operational control of a radio operator 24 hours per day, the transmitter control circuits from any operating position which are not within immediate reach of the operator on duty shall be so installed that grounding of either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

§ 21.117 *Limitation on use of transmitter for other services.* Transmitters licensed for operation for services governed by this part may not be concurrently licensed or used for non-common carrier communication purposes.

§ 21.118 *Acceptability of transmitters for licensing below 500 Mc.* (a) Each transmitter installed after the effective date of these rules, which is proposed to be licensed under these rules, must be of a type acceptable to the Commission.

<sup>5</sup>See Part 17 of this subchapter for provisions relating to antenna structures.

sion, except as provided in paragraph (b) of this section.

(b) Transmitters authorized to the present licensee prior to April 1, 1954, may continue to be operated until April 1, 1958, except where the particular transmitter causes interference due to failure to comply with the technical standards contained in these rules.

(c) The majority of transmitters considered acceptable for licensing are included on a list compiled by the Commission entitled: "Transmitters Acceptable for Licensing." Applications for inclusion on such list may be submitted by the manufacturer of the transmitter following the procedure specified in Part 2 of this subchapter. Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(d) Non-listed transmitters will be considered acceptable for licensing if the applicant proposing to use such transmitters, or a qualified engineer acting on behalf of the applicant, can make a satisfactory showing that the subject transmitter is capable of complying with the technical standards contained in these rules. This showing shall follow the procedure specified in Part 2 of this subchapter.

(e) Acceptance for licensing is only to the effect that insofar as can be determined from the tests performed or the data submitted, the equipment complies with current technical standards of the service in which the equipment will be operated. Acceptance may be withdrawn upon subsequent inspection or operation showing the equipment is not as represented or does not comply with the applicable technical standards of the Commission. Acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the state of the art progresses or as the Commission's technical standards may be changed in accordance therewith. Acceptance for licensing is limited to a determination that the equipment is capable of complying with the technical requirements of these rules and shall not be construed as a determination with respect to mechanical features nor of reliability under service conditions.

#### SUBPART D—TECHNICAL OPERATION

§ 21.200 *Station inspection.* The licensee of each station authorized in the Domestic Public Radio Services shall make the station and station records available for inspection by representatives of the Commission at any reasonable hour.

§ 21.201 *Posting of station authorizations.* (a) The station permit, license and any other instrument of authorization or order concerning the construction of a station at a specified fixed location or its manner of operation shall be posted so that all terms thereof are visible in a conspicuous place at the principal control point of the transmitter. At all other control points, a photocopy of such documents shall be posted in the aforementioned manner.

(b) If the station is authorized for mobile operation, the documents specified in paragraph (a) of this section

shall be retained as a permanent part of the station record, but need not be posted.

§ 21.202 *Transmitter identification card.* An executed transmitter identification card (FCC Form 452-C, Revised) or a metal tag with the same information shall be affixed to each transmitter. In vehicular installations, it is preferred that the identification card or metal tag be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card or metal tag by the permittee or licensee:

- (1) Station call sign.
- (2) Name of permittee or licensee.
- (3) Location(s) of transmitter records.
- (4) Frequency or frequencies on which the transmitter is adjusted to operate.
- (5) Signature of the permittee, licensee, or responsible official thereof. (The signature may be omitted when a metal tag is used.)

§ 21.203 *Posting of operator licenses.* (a) Whenever a licensed radio operator is required for the operation of a radio station, the original license of each operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758-F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card in his personal possession or otherwise immediately available at the place where he is on duty as an operator.

(b) The original license of every station operator who performs service and maintenance duties exclusively at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility. *Provided*, That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 21.204 *FCC publications required for reference.* For reference purposes, the permittee or licensee of radio facilities in the Domestic Public Radio Services shall maintain and have available at its principal office in the city in which the facilities are located a current copy of this part (available at the Government Printing Office, Washington 25, D. C.).<sup>1</sup>

<sup>1</sup> It is suggested that the following additional documents be obtained from the Government Printing Office and maintained for reference:

- (1) Communications Act of 1934, as amended.
- (2) Part 1 of the Commission's rules "Rules Relating to Practice and Procedure".
- (3) Part 2 of the Commission's rules "Rules Governing Frequency Allocations and

§ 21.205 *Operator requirements.* (a) Any radio operator (including the holder of a restricted radiotelephone permit) in charge of a radio station in these services, shall be competent to maintain proper radio logs and records relative to such operations where they are required.

(b) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated radio equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding a first or second class radio operator license (either radiotelephone or radiotelegraph, or both, as may be appropriate for the type of emission being used) who shall be responsible for the proper functioning of the radio facilities.

(c) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the above functions without direct supervision after having been authorized to do so by the responsible first or second class licensed radio operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

(d) In all cases, except where manual radiotelegraph keying is employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a valid first or second class radiotelephone license issued by the Commission.

(e) Where manual radiotelegraph keying is employed exclusively, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a valid first or second class radiotelegraph operator license issued by the Commission.

(f) In cases where manual radiotelegraph keying and other types of radio transmission are employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a radiotelegraph operator license of first or second class.

(g) During the course of normal rendition of service, a station employing manual radiotelegraph keying shall be operated only by a person holding a valid

radiotelegraph operator license or radiotelegraph operator permit issued by the Commission. Persons not holding such authorizations are forbidden to manipulate a manually operated telegraph key at such stations during periods of station operation.

(h) Any person may, after obtaining permission from the station licensee, operate the following types of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base station in the Domestic Public Land Mobile Radio Service.

(2) A base station, when operated from a dispatch point which is under the effective operational control of a licensed radio operator on duty at the transmitter control point.

(3) A rural subscriber or mobile station in the Rural Radiotelephone Service.

(i) Central exchange stations, Inter-exchange stations, Auxiliary test stations, and Base stations, including radio control stations which may be associated therewith, shall be operated during the course of normal rendition of service under the effective operational control of a person holding a valid restricted radiotelephone operator permit or higher class of commercial radio operator license issued by the Commission.

(j) TV-STL stations, TV Non-Broadcast Pickup stations, TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a valid first or second class radiotelephone operator license issued by the Commission.

(k) Notwithstanding any other provisions of this section, unless the transmitter and its associated equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used)

(l) Except under the circumstances specified in paragraphs (g) through (j) of this section, during the course of normal rendition of service, no person is required to be in attendance at a station installed at a specified fixed location when transmitting by self actuating means provided (1) licensed radio maintenance personnel responsible for the maintenance of the radio station are continuously available on call to perform expeditiously such technical servicing and maintenance as may be necessary, and (2) the quality of transmission over such station is constantly under the scrutiny of the licensee's responsible operating personnel for the radio system with which the unattended station is directly associated.

(m) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any

Radio Treaty Matters; General Rules and Regulations"

(4) Part 13 of the Commission's rules "Rules Governing Commercial Radio Operators"

(5) Part 17 of the Commission's rules "Rules Concerning the Construction, Marking and Lighting of Antenna Structures"

(6) Part 45 of the Commission's rules "Preservation of Records of Telephone Carriers"

(7) Part 61 of the Commission's rules "Tariffs, Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Communications Service"

(8) Part 63 of the Commission's rules "Extension of Lines and Discontinuance of Service by Carriers"

respect the responsibility of station licensees to have and to maintain effective operational control over the stations operating under their license (including all transmitter units thereof) or for the proper functioning of those stations in accordance with the terms of the instrument of station authorization and applicable rules and regulations.

(n) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

(o) A licensee of radio facilities in these services shall be required to have available on call at all times (either as an employee or through appropriate contractual arrangement with a person holding the requisite class of radio operator license) a licensed first or second class commercial radio operator (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used) to perform necessary technical servicing and maintenance of the radio facilities expeditiously, including such measurements of frequency, power, modulation, bandwidth of emission, etc., as may be required.

**§ 21.206 Inspection and maintenance of antenna structure obstruction marking and associated control equipment.** The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (g) of the Communications Act of 1934, as amended, or Part 17 of this subchapter, shall operate and maintain the structure marking and associated control equipment in accordance with the following:

(1) The required lighting of the antenna structure shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required, or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the lights and to provide indication of such failure to the licensee.

(2) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(3) All automatic or mechanical control devices, indicators and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months to insure that such apparatus is functioning properly.

(4) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(5) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(6) All towers shall be cleaned or repaired as often as is necessary to maintain good visibility.

(7) Entries concerning the operation and maintenance of marked antenna structures shall be made in the technical log of the station as set forth in § 21.208 (g).

**§ 21.207 Transmitter measurements.**

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter operating in these services is maintained within the tolerance prescribed in § 21.101 or in the instrument of station authorization. This determination shall be made, and the results thereof entered in the technical log of the station, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitting equipment which may affect the carrier frequency or the stability thereof.

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators.

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The permittee or licensee of each station shall employ a suitable procedure to determine that the operating power of each transmitter which operates below 500 Mc. from a specified fixed location conforms to the requirements of § 21.106 (d). Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the operating power may be determined from a measurement of the cathode current in the final radio stage.

When the operating power is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the operating power from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may cause the operating power to deviate by more than 10 percent above and 15 percent below the authorized power specified in the instrument of station authorization.

(3) At intervals not to exceed six months.

(c) The permittee or licensee of each station shall employ a suitable procedure to determine that the modulation characteristics of each transmitter and the signal radiated therefrom conform to the terms of the instrument of station authorization and to the applicable rules of this part. This determination shall be made, and the results thereof entered in the technical log of the station in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may affect the modulation characteristics.

(3) At intervals not to exceed six months.

(d) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided*, That the measurements are made under load conditions equivalent to actual operating conditions; *And provided further*, That after installation in the mobile unit, the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

(e) The determinations required by paragraphs (a) (b) and (c) of this section shall be made by a person holding a valid first or second class radio operator license who shall authenticate the accuracy of such entries by signing his name in the technical log of the station, together with the class, serial number and expiration date of his license: *Provided, however* That the licensee of the station may optionally have the required determinations made by any qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(f) Where automatic frequency monitors are employed which have an accuracy of at least one half of the required frequency tolerance of the transmitters with which they are associated, their use shall be deemed to meet the frequency checking requirements for the period during which they were so used. The use of a frequency monitor in lieu of frequency checks will be recorded in the station log in the same manner and at the same intervals as required in paragraph (a) (3) or (4) of this section.

**§ 21.208 Station records.** (a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least one year: *Provided*, That:

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.



(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(e) For each station in these services the licensee shall maintain, in a permanently bound book, a technical log of the station operation showing:

(1) The results and dates of the transmitter measurements required by § 21.207, and the information concerning the identity of the person making such measurements as required by § 21.207 (e)

(2) Pertinent details concerning any servicing or maintenance performed on a transmitter which may affect its proper operation, including the date thereof, as well as the class, serial number and expiration date of the license of the responsible radio operator who shall authenticate the accuracy of such log by signing his name therein.

(3) The log entry concerning the class, serial number and expiration date of the radio operator license of the person responsible for the technical performance of a station, as required in the rules of this part, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(f) For each station which is required to be operated by a licensed radio operator or by the holder of a restricted radio-telephone operator permit during the course of normal rendition of service, the person or persons responsible for the operation of the transmitting equipment each day shall sign his name in the station's technical log when entering upon duty, and again when leaving duty, at the station.

(g) For each station having an antenna structure which is required to be obstruction lighted, appropriate entries shall be made in the station's technical log as follows:

(1) The time the required obstruction lighting is turned on and off each day, if manually controlled.

(2) The time the daily check of the proper operation of the obstruction lights was made.

(3) In the event of any observed or otherwise known failure of an obstruction light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon performance of the three-month periodic inspection required by § 21.206 (3)

(i) The date of the inspection and the condition of all obstruction lights and associated obstruction lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(h) An operating log record of all transmissions shall be kept for all stations showing therein the time and duration of each transmission and the identity of the station to which the transmission was directed: *Provided*, That such log keeping requirements are waived for any station which is authorized to operate during the course of normal rendition of service without a licensed radio operator in attendance or where the station is operated as an integrated part of a land-line public communication system under conditions where no traffic tickets are customarily used. However, in lieu of the operating log which a station is required to keep, a chronological record of such essential information in the form of traffic tickets, or on a separate sheet, is permissible. When such records are kept in lieu of an operating log, the minimum retention period thereof shall be as prescribed in paragraph (d) of this section, provision for shorter retention periods in other parts of the Commission's rules notwithstanding.

(i) Each entry in the station log shall normally be made in ink or indelible pencil: *Provided, however* That in any case where it is impracticable to make such entries in the logs immediately, rough logs may be kept in the form of notes or memoranda which shall be transcribed into the station log as soon as possible by the person qualified to do so who has actual knowledge of such facts being recorded.

§ 21.209 *Communications concerning safety of life and property.* (a) Handling and transmission of messages concerning the safety of life or property which is in imminent danger shall be afforded priority over other messages.

(b) No person shall knowingly cause to be transmitted any false fraudulent message concerning the safety of life or property or refuse upon demand immediately to relinquish the use of a radio circuit to enable the transmission of messages concerning the safety of life or property which is in imminent danger, or knowingly interfere or otherwise obstruct the transmission of such messages.

§ 21.210 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 21.211 *Operation during emergency.* The licensee of any station in these serv-

ices may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in a manner other than that specified in the instrument of authorization: *Provided*, (a) That as soon as possible after the beginning of such emergency-use, notice be sent to the Commission at Washington, D. C., and to the Engineer-in-Charge of the radio district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) that the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) that the Commission at Washington, D. C., and the Engineer-in-Charge shall be notified immediately when such special use of the station is terminated. *Provided further*, (d) That, in no event, shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law. *And provided further*, (e) That the Commission may, at any time order the discontinuance of any such emergency communication.

§ 21.212 *Equipment, service and maintenance tests.* (a) When construction and installation or modification of a station has been completed in accordance with the terms of a construction permit, the technical provisions of the application therefor and the applicable provisions of this part, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided*, That:

(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified 2 days in advance of the date on which the transmitter will first be tested in such manner as to produce radiation, giving the name of the permittee, station location, call sign, and frequencies on which tests are to be conducted.

(2) The Commission reserves the right to cancel, suspend, or change the date of beginning of such tests when such action may appear to be in the public interest, convenience or necessity.

(3) All necessary precautions are taken to avoid interference to any other authorized station.

(4) No service to the public may be furnished over the facilities being tested during the equipment test period.

(b) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the other applicable provisions of this part, and after an application for station license has been filed with the Commission showing the station to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until the application for station license is granted: *Provided*, That:

(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified 2 days in advance of the beginning of the tests.

(2) The Commission reserves the right to cancel or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience or necessity by notifying the permittee.

(3) Service tests shall not commence after the expiration date of the construction permit.

(4) Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs (see § 61.62 of this chapter governing the construction, filing and posting of charges for interstate and foreign communication service)

(c) When a construction permit and license, or a construction permit and modification of license are issued simultaneously for a mobile station, units of such station may be placed in operation without equipment and service test notification to the Commission's Engineer-in-Charge of the radio district in which the station is located, unless otherwise specifically required.

(d) The licensees of all stations in these services are authorized to make such routine tests as may be required for the proper maintenance of the station: *Provided*, That all necessary precautions are taken to avoid interference with other authorized services. The time taken for such tests shall be held to a minimum.

(e) The authorization for tests embodied in paragraphs (a) and (b) of this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 21.213 *Station identification.* (a) Each station in these services, except as hereinafter provided, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations continuously engaged in a public telephone message, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided*, That the requirement for transmission of station identification is waived for: (1) Fixed stations automatically transmitting or retransmitting by self-actuating means, and (2) fixed stations employing continuous radiation with multi-channel transmission.

(b) In lieu of the use of an official call sign, as prescribed in paragraph (a) of this section, a station may identify itself as follows:

(1) A mobile station in the Domestic Public Land Mobile Radio Service or Rural Radiotelephone Service may identify itself by (i) the special mobile unit designation assigned by the licensee or

(ii) its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the mobile station.

(2) A rural subscriber station may identify itself by its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the rural subscriber station.

(3) A station at a specified fixed location may identify itself by the name of the city in which the station is located.

(c) Wherever it appears that the manner of identification used by a licensee in lieu of the official call sign is unsatisfactory, the Commission may require the licensee to change the method of station identification.

(d) Where transmission of station identification is required such transmission shall be capable of being received and understood at an appropriate receiver without the use of special channeling or transmission unscrambling devices: *Provided further*, That:

(1) Where telephone is employed, station identification shall be by aural transmission.

(2) Where telegraphy, radiophoto or facsimile transmission is employed, the station identification shall be transmitted in the International Morse Code as "QRA de" followed by the station call sign.

(3) Where television transmission is employed, station identification shall be transmitted either visually for a period of not less than 5 seconds, or via aural or telegraphic transmission.

#### SUBPART E—MISCELLANEOUS

§ 21.300 *Business records.* Each licensee of radio facilities authorized under the rules of this part and required to file FCC Form E shall keep complete records of all phases of such operations distinctly separate and apart from any other business or activity conducted by the licensee.

§ 21.301 *National defense; free service.* Any common carrier authorized under the rules of this part may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for such communications had been collected at the published tariff rates.

§ 21.302 *Answers to notices of violation.* Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or

Executive Order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 21.303 *Discontinuance, reduction or impairment of service.* (a) If, for any reason beyond the control of the station licensee, the public communication service provided by a station in the Domestic Public Radio Services is involuntarily discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately give notification thereof in writing to the Commission at Washington 25, D. C., and the Commission's Engineer-in-Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, immediate notification thereof shall be given in writing to the Commission at Washington 25, D. C. and the Commission's Engineer-in-Charge of the radio district in which the station is located.

(b) No station which is subject to Title II of the Communications Act of 1934, as amended, shall voluntarily discontinue, reduce or impair any public communication service without obtaining prior authorization from the Commission pursuant to the procedures set forth in Part 63 of this chapter. In the event that permanent discontinuance

of service is authorized by the Commission, the station licensee shall immediately give notification of the effective date thereof in writing to the Commission's Engineer-in-Charge of the radio district in which the station is located and shall promptly send the station license to the Commission at Washington 25, D. C. for cancellation.

§ 21.304 *Tariffs, reports, and other material required to be submitted to the Commission.* Part 1 of this chapter, beginning with § 1.541, contains a summary of certain material and reports, including, but not limited to schedules of charges and accounting and financial reports, which must be filed with or submitted to the Commission.

§ 21.305 *Reports required concerning amendments to charters, by-laws, and partnership agreements.* Any amendments to charters, articles of incorporation or association, or partnership agreements shall promptly be filed with the Secretary, Federal Communications Commission, Washington 25, D. C.

#### SUBPART F—DEVELOPMENTAL AUTHORIZATIONS

§ 21.400 *Eligibility.* Developmental authorizations for stations in the Domestic Public Radio Services will be issued only to persons who are legally, financially and otherwise qualified to conduct experimentation utilizing hertzian waves for the development of engineering or operational data, or techniques, directly related to a proposed Domestic Public Radio Service or to a regularly established radio service regulated by the rules of this part.

§ 21.401 *Scope of service.* Developmental authorizations may be issued for:

(a) Field strength surveys relative to and precedent to the filing of applications for construction permits, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) Development of proposed Domestic Public Radio Services to be governed by the rules and regulations of this part.

§ 21.402 *Adherence to program of research and development.* The program of research and development, as stated by an applicant in the application for construction permit or license or in the instrument of station authorization, shall be substantially adhered to unless the licensee is otherwise authorized by the Commission.

§ 21.403 *Special procedure for the development of a new service or for the use of frequencies not in accordance with the table of frequency allocations.* (a) An authorization for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations will be granted for a limited time only after the Commission has made a preliminary determination of the following factors, as the case may require:

(1) That the public interest, convenience or necessity warrants consideration of the establishment of the pro-

posed service or the use of the proposed frequency.

(2) That the proposed operation appears to warrant consideration to effect a change in the Table of Frequency Allocations;

(3) That some operational data should be developed for consideration in any rule-making proceeding which may be initiated.

(b) Applications for construction permits for stations which are intended to be used in the development of a proposed service shall be accompanied by a petition to amend the Commission's rules with respect to frequencies and such other items as may be necessary to provide for the regular establishment of the proposed service.

§ 21.404 *Terms of grant; general limitations.* (a) Developmental authorization normally shall be issued for one year, or such shorter term as the Commission may deem appropriate in any particular case, and shall be subject to cancellation without hearing by the Commission at any time upon notice to the licensee.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the public interest, convenience or necessity.

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations.

(d) The rendition of communication service for hire is not permitted under any developmental authorization unless specifically authorized by the Commission.

(e) The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies.

§ 21.405 *Supplementary showing required.* (a) Authorizations for development of a proposed radio service in the Domestic Public Radio Services will be issued only upon a showing that the applicant has a definite program of research and development, the details of which shall be set forth, having reasonable promise of substantial contribution to these services within the term of such authorization. In addition to showing that the applicant is financially qualified or that adequate provision has been made to underwrite the costs of the proposed venture, a specific showing should be made as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose.

(b) Expiring developmental authorizations may be renewed only upon the applicant's compliance with the appli-

cable requirements of paragraphs (a) and (b) of § 21.406 relative to the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

§ 21.406 *Developmental reports required.* (a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such other times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee shall submit, in duplicate, a comprehensive report on the following items, in the order designated:

(1) Report on the various phases of the project which were investigated.

(2) Total number of hours of operation on each frequency assigned.

(3) Copies of any publication on the project.

(4) A listing of any patents applied for, including copies of any patents issued as a consequence of the activities carried forth under the authorization.

(5) Detailed analysis of the result obtained.

(6) Any other pertinent information.

(b) In addition to the information included in paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to the service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

(c) Normally, development reports will be made a part of the Commission's public records. However, an applicant may request that the Commission withhold from the public certain reports and associated material relative to the accomplishments achieved under developmental authorization, and, if it appears that such information should be withheld, the Commission will so direct.

#### SUBPART G—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

§ 21.500 *Eligibility.* Authorizations for base stations and auxiliary test stations to be operated in this service will be issued to existing and proposed communication common carriers. Authorizations for mobile stations on land or on board vessels will be issued to communication common carriers or to individual users of the service. Applications will

be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.501 *Allocation of frequencies.* The following frequencies are available to the Domestic Public Land Mobile Radio Service for the uses set forth below:

(a) For assignment, in accordance with the Zone Allocation Plan, to stations of communication common carriers which are also in the business of affording public landline message telephone service, for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service)

Geographical zone allocation	Base station frequencies (Mc.)	Mobile and auxiliary test station frequencies (Mc.)
Zone VII	35.25	43.23
Zone V	35.30	43.30
Zone II	35.34	43.34
Zone VI	35.38	43.38
Zone III	35.42	43.42
Zone VIII	35.50	43.50
Zone IV	35.54	43.54
Zone IX	35.62	43.62
Zone I	35.66	43.66

#### ZONE ALLOCATION PLAN, 35-44 Mc. BAND

Zone I Base Station Frequency: 35.66 Mc.,  
Mobile Station Frequency: 43.66 Mc.

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	Pennsylvania.
Lake Ontario.	Rhode Island.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
New Hampshire.	

Zone II Base Station Frequency: 35.34 Mc.,  
Mobile Station Frequency: 43.34 Mc.

Alabama.	Mississippi.
Florida.	North Carolina.
Georgia.	South Carolina.
Louisiana.	

Zone III Base Station Frequency: 35.42 Mc.,  
Mobile Station Frequency: 43.42 Mc.

Illinois.	Lake St. Clair.
Indiana.	Lake Superior.
Kentucky.	Michigan.
Lake Erie.	Ohio.
Lake Huron.	Tennessee.
Lake Michigan.	Wisconsin.

Zone IV Base Station Frequency: 35.54 Mc.,  
Mobile Station Frequency: 43.54 Mc.

Iowa.	North Dakota.
Minnesota.	South Dakota.
Montana.	Wyoming.
Nebraska.	

Zone V Base Station Frequency: 35.30 Mc.,  
Mobile Station Frequency: 43.30 Mc.

Arkansas.	Oklahoma.
Kansas.	Texas.
Missouri.	

Zone VI Base Station Frequency: 35.38 Mc.,  
Mobile Station Frequency: 43.38 Mc.

Arizona.	Nevada.
California.	New Mexico.
Colorado.	Utah.

Zone VII Base Station Frequency: 35.20 Mc.,  
Mobile Station Frequency: 43.20 Mc.

Idaho.	Washington.
Oregon.	

Zone VIII Base Station Frequency: 35.50 Mc.,  
Mobile Station Frequency: 43.50 Mc.

Indiana.	New York.
Lake St. Clair.	Ohio.
Michigan.	Pennsylvania.
New Jersey.	The Great Lakes.

Zone IX Base Station Frequency: 35.62 Mc.,  
Mobile Station Frequency: 43.62 Mc.

Arkansas.	Oklahoma.	Texas.
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The frequencies specified above may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries.

(b) For assignment to stations of communication common carriers engaged also in the business of affording public landline message telephone service for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service) <sup>1</sup>

Bus station frequencies (Mc.)	Mobile and auxiliary test station frequencies (Mc.)
152.51	157.77
152.57	157.83
152.63	157.89
152.69	157.95
152.75	158.01
152.81	158.07
454.45	459.45
454.55	459.55
454.65	459.65
454.75	459.75
454.85	459.85
454.95	459.95

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service) <sup>2</sup>

Base station frequencies (Mc.)	Mobile and auxiliary test station frequencies (Mc.)
152.03	158.49
152.09	158.55
152.15	158.61
152.21	158.67
454.05	459.05
454.15	459.15
454.25	459.25
454.35	459.35

<sup>1</sup> Domestic control stations which were authorized to use these frequencies on the effective date of these rules may be authorized to continue operation on such frequencies until the investment in such facilities has been amortized, but in no event beyond April 1, 1955, under the condition that harmful interference is not caused to stations in the Domestic Public Land Mobile Radio Service and the Rural Radiotelephone Service. In any case where use of these frequencies is required by an applicant in the Domestic Public Land Mobile Radio Service or the Rural Radiotelephone Service for the purpose of providing any of the basic services relating thereto (i. e., for stations other than developmental or control), continued operation of control stations thereon will not be authorized beyond the term of the then effective authorization therefor.

(d) For assignment to base stations of communication common carriers for use exclusively in providing a one-way signaling service to mobile receivers:

35.58 Mc.	43.58 Mc.
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If an applicant for authorization to provide an exclusive one-way signaling service provides, or proposes also to provide, General or Dispatching service in accordance with paragraphs (a), (b) and (c) of this section, the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with such General or Dispatching service.

(e) For assignment to stations using radio facsimile as an integral portion of common carrier message telegraph pick-up or delivery procedure:

Base, mobile and auxiliary test station frequencies (Mc.)

35.22
35.46
43.22
43.46

(f) Upon a satisfactory showing that it is impracticable to use wire lines, the following frequencies are available for assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with certain other radio services: <sup>3</sup>

#### 72-76 Mc. Band <sup>4</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
72.03	72.83	73.62	74.42
72.06	72.86	73.65	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	74.62
72.26	73.06	73.86	74.66
72.30	73.10	73.90	74.70
72.34	73.14	73.94	74.74
72.38	73.18	73.98	74.78
72.42	73.22	74.02	74.82
72.46	73.26	74.06	74.86
72.50	73.30	74.10	74.90
72.54	73.34	74.14	74.94
72.58	73.38	74.18	74.98
72.62	73.42	74.22	75.02
72.66	73.46	74.26	75.06
72.70	73.50	74.30	75.10
72.74	73.54	74.34	75.14
72.78	73.58	74.38	75.18

<sup>2</sup> A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the constant operational surveillance of the land mobile system's licensed operating personnel.

<sup>3</sup> Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on channels 4 or 5. Pending promulgation of more definite engineering criteria setting forth the conditions under which assignments can be made to stations which are less than 80 miles from television station assignments on channels 4 or 5, assignments will be made only to stations located 80 miles or more from locations at which television assignments on channels 4 or 5 are listed in the Commission's television assignment plan. Any authorizations granted for use of these frequencies will carry a condition that they are subject to modification or termination at any time without hearing, upon notice to the grantee, as may be required by the final determination of the proceedings in Docket No. 10315.

(g) For assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with all other radio services:

**890-940 Mc. Band**

(Subject to determination of Docket No. 10797)

(Mc.)	(Mc.)	(Mc.)	(Mc.)
890.5	903.0	915.5	928.0
891.0	903.5	916.0	928.5
891.5	904.0	916.5	929.0
892.0	904.5	917.0	929.5
892.5	905.0	917.5	930.0
893.0	905.5	918.0	930.5
893.5	906.0	918.5	931.0
894.0	906.5	919.0	931.5
894.5	907.0	919.5	932.0
895.0	907.5	920.0	932.5
895.5	908.0	920.5	933.0
896.0	908.5	921.0	933.5
896.5	909.0	921.5	934.0
897.0	909.5	922.0	934.5
897.5	910.0	922.5	935.0
898.0	910.5	923.0	935.5
898.5	911.0	923.5	936.0
899.0	911.5	924.0	936.5
899.5	912.0	924.5	937.0
900.0	912.5	925.0	937.5
900.5	913.0	925.5	938.0
901.0	913.5	926.0	938.5
901.5	914.0	926.5	939.0
902.0	914.5	927.0	939.5
902.5	915.0	927.5	

Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment in the 890-940 Mc. band.\*

§ 21.502 *Classification of base stations.* Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna overall height above average terrain, and according to their effective radiated power in the horizontal plane of the antenna.

Antenna height above average terrain (feet)	Class of station				
	30	60	120	250	500
500	O	B	B	A	A
400	O	O	B	B	A
300	D	O	O	B	B
200	D	D	O	O	B
100	E	D	D	O	O
0					

§ 21.503 *Geographical separation of co-channel stations.* Base stations operating on the same frequency in this service shall normally be separated by not less than the distances shown below.

Class of station	Minimum mileage separation between co-channel stations				
	A	B	O	D	E
A	75				
B	68	61			
O	64	56	48		
D	60	53	45	36	
E	56	50	42	29	23

\*A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the constant operational surveillance of the land mobile system's licensed operating personnel.

In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the above table, or make assignments at lesser station spacing.

§ 21.504 *Service area of base station.* In this service, the limits of reliable service area of a base station are considered to be described by the contour within which the reliability of communication service is 90 percent, i. e., within the area circumscribed by such contour, nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit on the first attempt to establish communication.

§ 21.505 *Antenna height limit for base stations.* In view of the fact that the predominant need for mobile communication service can usually be met by base stations within the classification set forth in § 21.502, and because widespread coverage is undesirable in areas where no substantial need exists for mobile communication service through a distant base station, base stations will not be authorized to employ transmitting antennas in excess of 500 feet above average terrain unless, upon an affirmative showing by the applicant, unusual and exceptional circumstances are established which warrant authorization of an antenna structure of greater elevation.

§ 21.506 *Power limitation.* Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b). A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station, with which it is associated, will not be authorized.

§ 21.507 *Types of emission.\** (a) Stations in this service shall normally be authorized to use only type A3 or F3 emission for radiotelephony. *Provided,* That stations operating in accordance with the provisions of § 21.501 (e) shall also be authorized to employ type A4 or F4 emission. The authorization to use the aforementioned types of emission shall be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required.

§ 21.508 *Authorized bandwidth of emission.* The maximum bandwidth of emis-

sion which will normally be authorized for the various types of emission used in this service are set forth below:

Type of emission	Authorized bandwidth (below 500 Mc.)	Authorized bandwidth (above 500 Mc.)
A3	Kilocycles	Kilocycles
A4	6	6
F3	10	10
F4	30	400

§ 21.509 *Modulation requirements.* (a) The use of higher modulating frequencies than 3000 cycles per second is not authorized below 500 Mc.

(b) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier below 500 Mc.

(d) Each transmitter authorized or installed after July 1, 1950 shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters having a rated power output of 2 watts or less.

§ 21.510 *Permissible communications.* (a) Mobile stations in this service are authorized to communicate with and through base stations only.

(b) Base stations in this service are normally authorized to communicate with associated land mobile stations in the same service: *Provided, however,* That base stations may also render service to properly licensed transient land mobile stations normally associated with another common carrier base station, including mobile units of Canadian registry. Under specific authorization from the Commission, service may be rendered to stations on board vessels. Authority to provide service to vessels may be granted upon a showing that the rendition of service to vessels will not degrade, by kind or extent of usage, the service which would be available, in the absence of service to vessels, to land vehicles receiving or subsequently requesting such services in the area: *Provided,* That any authorization to render service to vessels shall automatically terminate at the expiration of 60 days after inauguration of VHF public coastal service in the area involved, unless the Commission authorizes continuance of such service to vessels upon a satisfactory showing that there is some special need for continuance of such service in the public interest. Applications for authority to communicate with vessels shall be accompanied by a showing of the following:

(1) The total number of land mobile units being served through the base station.

\*Further reference should be made to §§ 21.103 to 21.105, inclusive. The use of FO and AO emission in the 72-76 Mc. band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.



(2) The total number of land mobile units to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(3) The total number of stations on board vessels proposed to be served through the base station.

(4) The total number of stations on board vessels to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(5) Other facilities available in the area providing service to mobile stations on board vessels.

(6) Such other information as may be deemed pertinent, showing that communication with vessels will not degrade or deny service to land vehicles receiving or requesting land vehicular communication service over the radio facilities of the base station, and that such service to vessels is necessary and desirable.

(c) Applications requesting renewal of authority to render service to vessels shall be accompanied by a current showing of information as required in paragraph (b) of this section.

(d) Mobile stations in this service may not be operated for the rendition of two-way communication service aboard aircraft.

(e) Base stations in this service may render one-way signaling service to receivers installed aboard vessels and aircraft, without special authorization from the Commission.

(f) Base stations in this service may be authorized to communicate with Rural Subscriber stations in the Rural Radiotelephone Service, where the use of wire lines is not practicable or feasible. Authorization for the rendition of such service may be granted upon a satisfactory showing that the rendition of such service will not degrade the mobile communication service rendered by the base station. Applications for authority to communicate with a Rural Subscriber station shall be accompanied by a supplementary showing as set forth in § 21.608.

(g) The base and mobile station facilities authorized in this service shall not be used in connection with any taxicab operations wherein the licensee is directly or indirectly interested through stock ownership or otherwise.

(h) Pursuant to the provisions of the "Convention Between the United States of America and Canada, Relating to Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country" United States licensed mobile units in this service which are in Canada may be authorized by the Canadian Government to communicate with or through Canadian licensed common carrier base stations in the land mobile radio service. Canadian licensed mobile units in the common carrier land mobile radio service which are in the United States may communicate with and through United States licensed base stations in this service provided authority for such communication has been

granted by the Commission upon proper application therefor.\*

(i) Unless otherwise prohibited by agreements, laws, rules, regulations, etc. of the foreign country concerned, base stations in this service are not prohibited from rendering trans-border communication service for hire to mobile units in that country which are properly licensed to operate in the common carrier land mobile service of either country.

(j) Simultaneous use of more than one base station transmitter for communicating with a single mobile unit or a single fixed point is prohibited. However, where more than one base station transmitter is authorized to enable a base station to serve an extended area, separate base station transmitters may be used simultaneously in communicating with two or more separate mobile units or fixed points, provided such use does not result in degradation of the quality of service which could be rendered in the absence of use of more than one base station transmitter.

(k) Auxiliary test stations in this service shall normally be operated upon mobile station frequencies only for the purpose of determining the performance of receiving equipment remotely located from the base station with which it is associated: *Provided, however*, That a transmitter used in an auxiliary test station may be used as a standby transmitter upon the frequency of the base station with which it is associated whenever such base station is out of service for maintenance or repair.

§ 21.511 *Base stations may be authorized only as part of integrated radio system.* Base stations will be authorized only as a part of an integrated communication system wherein mobile units associated therewith are also licensed to the base station licensee (see § 21.15 (g)).

§ 21.512 *Communication service to own mobile units.* Upon filing an application for renewal of station license for a base station in this service, the applicant shall show that, during the preceding license period, at least an average of 50 percent of the mobile units on any channel to which communication service has been rendered by a base station have been used by persons not directly or indirectly controlling or controlled by, or under direct or indirect common control with the applicant. If an applicant is unable to meet such criterion, he shall show what efforts have been made to achieve use of the service by the public and offer such further showing or explanation as he may deem appropriate.

§ 21.513 *Priorities for service to subscribers.* Subscriptions to mobile telephone service shall be afforded in the following order of precedence and in chronological order of filing of request for service within each of the following customer categories:

\* Reference should be made to paragraph (1) of § 21.29 concerning applications of Canadian licensees for authority to operate mobile transmitters in the United States.

(a) *Category 1. Public Safety and Health.* Official federal, state, county and municipal government agencies protecting the public safety and health; private organizations and persons engaged primarily in protecting the public safety and health such as physicians, hospitals, ambulance services, volunteer fire departments, American Red Cross, licensed protective patrols and armored cars and similar agencies.

(b) *Category 2: Public Service.* Contract carriers, common carriers, and public utilities (exclusive of taxicab and livery service) for communications other than correspondence of the general public.

(c) *Category 3: Quasi Public Service.* Emergency repair organizations, not included in Category 1, protecting health and property: press associations, newspapers and broadcasting stations.

(d) *Category 4: Physically Handicapped.* Persons who because of physical handicaps, operate specifically equipped vehicles and are unable to leave such vehicles without assistance.

(e) *Category 5. Industrial.* Gas or oil producing or drilling operators; producers and distributors of fuel and lumber and other construction materials and equipment; food processing, distribution and storage organizations; producers of substantial quantities of food; business concerns engaged in construction of housing and industrial or public works; taxicabs and livery service.

(f) *Category 6: Traveling Public.* Trains and watercraft where service is made available to passengers.

(g) *Category 7: All others.*

After initial establishment of service in accordance with the foregoing table of priorities, when facilities in a given area are insufficient to furnish service to all who desire mobile radiotelephone service, applications for new or additional mobile units shall be ranked within the categories noted above in order of date of filing and service shall be afforded such applicants as facilities become available, in descending order of precedence.

§ 21.514 *Location of message center.* The message center shall be so located that the major portion of the local exchange landline telephone calls, on behalf of subscribers to the service, to and from the message center, shall cost no more than the local message rate.

§ 21.515 *Responsibility for operational control and maintenance of mobile units.* The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be responsibility of the respective licensees thereof.

§ 21.516 *Changes in equipment.* The licensee of a station in this service may replace equipment without authorization from the Commission provided that the replacement equipment is identical to that specified in the current instrument of authorization and that it is a "packaged" unit. Requests for authority to make other changes in equipment

PROPOSED RULE MAKING

shall be submitted to the Commission in appropriate applications for construction permits or modifications thereof, as the case may require. No changes for which authorization is required shall be made without prior approval from the Commission.

§ 21.517. *Control points and dispatch points.* (a) Dispatch points may be installed or removed without authorization. Dispatch point circuit facilities shall be installed in conformance with the requirements of paragraph (c) (2) of this section.

(b) To insure the maintenance of station control, means shall be provided whereby each dispatch point is maintained under the effective operational supervision of one or more control points.

(c) At each control point for a base station or fixed station in this service, the following facilities will be installed:

(1) Equipment to permit the responsible radio operator to monitor aurally, at such intervals as may be necessary to insure proper operation thereof, all transmissions originating at dispatch points under his supervision and of stations with which the radio station communicates.

(2) Facilities which will permit the responsible radio operator either to disconnect immediately the dispatch point circuits from the transmitter or immediately to render the transmitter inoperative from any dispatch point associated therewith.

SUBPART H—RURAL RADIOTELEPHONE SERVICE

§ 21.600 *Eligibility.* Authorizations for central exchange stations and inter-exchange stations will be issued to existing and proposed communication common carriers. Authorizations for rural subscriber stations will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.601 *Allocation of frequencies.*<sup>1</sup> (a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radiotelephone Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

<sup>1</sup> Inter-island and intra-island point-to-point telephone and point-to-point telegraph stations which were licensed, on the effective date of these rules, in the Fixed Public Services outside the continental limits of the United States, shall be licensed in this service and may be authorized to continue the use of the previously authorized frequencies on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

<sup>2</sup> Reference should be made to paragraphs (c) and (d) of § 21.116 for additional control point requirements and also to § 21.205 concerning operator requirements.

Central exchange and inter-exchange station frequencies (Mc.)	Rural subscriber and inter-exchange station frequencies (Mc.)
152.03	158.49
152.09	158.55
152.15	158.61
152.21	158.67
152.51	157.77
152.57	157.83
152.63	157.89
152.69	157.95
152.75	158.01
152.81	158.07

Central exchange and inter-exchange station frequencies (Mc.)	Rural subscriber and inter-exchange station frequencies (Mc.)
454.05	459.05
454.15	459.15
454.25	459.25
454.35	459.35
454.45	459.45
454.55	459.55
454.65	459.65
454.75	459.75
454.85	459.85
454.95	459.95

(b) In the Territory of Hawaii, the following frequencies are available for assignment to Inter-Exchange stations:

76-108 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
76.02	78.30	80.58	82.86
76.06	78.34	80.62	82.90
76.10	78.38	80.66	82.94
76.14	78.42	80.70	82.98
76.18	78.46	80.74	83.02
76.22	78.50	80.78	83.06
76.26	78.54	80.82	83.10
76.30	78.58	80.86	83.14
76.34	78.62	80.90	83.18
76.38	78.66	80.94	83.22
76.42	78.70	80.98	83.26
76.46	78.74	81.02	83.30
76.50	78.78	81.06	83.34
76.54	78.82	81.10	83.38
76.58	78.86	81.14	83.42
76.62	78.90	81.18	83.46
76.66	78.94	81.22	83.50
76.70	78.98	81.26	83.54
76.74	79.02	81.30	83.58
76.78	79.06	81.34	83.62
76.82	79.10	81.38	83.66
76.86	79.14	81.42	83.70
76.90	79.18	81.46	83.74
76.94	79.22	81.50	83.78
76.98	79.26	81.54	83.82
77.02	79.30	81.58	83.86
77.06	79.34	81.62	83.90
77.10	79.38	81.66	83.94
77.14	79.42	81.70	83.98
77.18	79.46	81.74	84.02
77.22	79.50	81.78	84.06
77.26	79.54	81.82	84.10
77.30	79.58	81.86	84.14
77.34	79.62	81.90	84.18
77.38	79.66	81.94	84.22
77.42	79.70	81.98	84.26
77.46	79.74	82.02	84.30
77.50	79.78	82.06	84.34
77.54	79.82	82.10	84.38
77.58	79.86	82.14	84.42
77.62	79.90	82.18	84.46
77.66	79.94	82.22	84.50
77.70	79.98	82.26	84.54
77.74	80.02	82.30	84.58
77.78	80.06	82.34	84.62
77.82	80.10	82.38	84.66
77.86	80.14	82.42	84.70
77.90	80.18	82.46	84.74
77.94	80.22	82.50	84.78
77.98	80.26	82.54	84.82
78.02	80.30	82.58	84.86
78.06	80.34	82.62	84.90
78.10	80.38	82.66	84.94
78.14	80.42	82.70	84.98
78.18	80.46	82.74	85.02
78.22	80.50	82.78	85.06
78.26	80.54	82.82	85.10

76-108 Mc. Band—Continued

(Mc.)	(Mc.)	(Mc.)	(Mc.)
85.14	98.34	101.58	104.82
85.18	98.42	101.62	104.86
85.22	98.46	101.66	104.90
85.26	98.50	101.70	104.94
85.30	98.54	101.74	104.98
85.34	98.58	101.78	105.02
85.38	98.62	101.82	105.06
85.42	98.66	101.86	105.10
85.46	98.70	101.90	105.14
85.50	98.74	101.94	105.18
85.54	98.78	101.98	105.22
85.58	98.82	102.02	105.26
85.62	98.86	102.06	105.30
85.66	98.90	102.10	105.34
85.70	98.94	102.14	105.38
85.74	98.98	102.18	105.42
85.78	99.02	102.22	105.46
85.82	99.06	102.26	105.50
85.86	99.10	102.30	105.54
85.90	99.14	102.34	105.58
85.94	99.18	102.38	105.62
85.98	99.22	102.42	105.66
86.02	99.26	102.46	105.70
86.06	99.30	102.50	105.74
86.10	99.34	102.54	105.78
86.14	99.38	102.58	105.82
86.18	99.42	102.62	105.86
86.22	99.46	102.66	105.90
86.26	99.50	102.70	105.94
86.30	99.54	102.74	105.98
86.34	99.58	102.78	106.02
86.38	99.62	102.82	106.06
86.42	99.66	102.86	106.10
86.46	99.70	102.90	106.14
86.50	99.74	102.94	106.18
86.54	99.78	102.98	106.22
86.58	99.82	103.02	106.26
86.62	99.86	103.06	106.30
86.66	99.90	103.10	106.34
86.70	99.94	103.14	106.38
86.74	99.98	103.18	106.42
86.78	100.02	103.22	106.46
86.82	100.06	103.26	106.50
86.86	100.10	103.30	106.54
86.90	100.14	103.34	106.58
86.94	100.18	103.38	106.62
86.98	100.22	103.42	106.66
87.02	100.26	103.46	106.70
87.06	100.30	103.50	106.74
87.10	100.34	103.54	106.78
87.14	100.38	103.58	106.82
87.18	100.42	103.62	106.86
87.22	100.46	103.66	106.90
87.26	100.50	103.70	106.94
87.30	100.54	103.74	106.98
87.34	100.58	103.78	107.02
87.38	100.62	103.82	107.06
87.42	100.66	103.86	107.10
87.46	100.70	103.90	107.14
87.50	100.74	103.94	107.18
87.54	100.78	103.98	107.22
87.58	100.82	104.02	107.26
87.62	100.86	104.06	107.30
87.66	100.90	104.10	107.34
87.70	100.94	104.14	107.38
87.74	100.98	104.18	107.42
87.78	101.02	104.22	107.46
87.82	101.06	104.26	107.50
87.86	101.10	104.30	107.54
87.90	101.14	104.34	107.58
87.94	101.18	104.38	107.62
87.98	101.22	104.42	107.66
88.02	101.26	104.46	107.70
88.06	101.30	104.50	107.74
88.10	101.34	104.54	107.78
88.14	101.38	104.58	107.82
88.18	101.42	104.62	107.86
88.22	101.46	104.66	107.90
88.26	101.50	104.70	107.94
88.30	101.54	104.74	107.98

(c) Within the geographic areas in which the frequencies in paragraphs (a), and (b) of this section may be assigned, and under the same limitations of shared usage and reservations concerning interference set forth therein, such frequencies may also be assigned to radio relay stations in the Rural Radiotelephone

Service upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

§ 21.602 *Transmitter power* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.603 *Types of emission.*<sup>2</sup> (a) Stations in this service within the continental limits of the United States normally shall be authorized to use only type A3 or F3 emission for radiotelephony. However, multi-channel type of amplitude or frequency modulated emission for radiotelephony may be authorized upon a satisfactory showing of need therefor and provided that the criteria concerning bandwidth of emission set forth in § 21.604 (b) are satisfied.

(b) In addition to the types of emission which may be authorized under the provisions of paragraph (a) of this section, stations in this service outside the continental limits of the United States may be authorized to employ other types of amplitude and frequency modulated emission for telephony and facsimile upon a showing of need therefor.

(c) The authorization for use of the aforementioned types of emission shall be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

§ 21.604 *Authorized bandwidth of emission.* (a) The maximum bandwidth of emission which will normally be authorized for single channel operation in this service is set forth below:

Type of emission:	Authorized bandwidth (kilocycles)
A1 -----	1
A2 -----	3
A3 -----	6
A4 -----	10
F1 -----	3
F2 -----	3
F3 -----	36
F4 -----	36

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multi-channel operation provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis.

§ 21.605 *Modulation requirements.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) Each transmitted initially installed after the effective date of these rules shall be provided with a device which will automatically prevent modulation in excess of the maximum band-

width of emission specified in the instrument of station authorization.

§ 21.606 *Permissible communications.* (a) Rural Subscriber stations normally are authorized to communicate with and through the central exchange station with which they are associated. However, where the establishment of central exchange station facilities in this service is shown to be impracticable, Rural Subscriber stations may be authorized to communicate with and through a specified base station in the Domestic Public Land Mobile Radio Service pursuant to the provisions of § 21.510 (f).

(b) Central Exchange stations may communicate only with Rural Subscriber stations.

(c) Inter-Exchange stations may communicate only with other Inter-Exchange stations.

(d) The foregoing paragraphs of this section shall not be construed to prohibit stations in this service from communicating through radio relay stations authorized pursuant to the provisions of § 21.601 (c).

§ 21.607 *Priority of service.* Within the Rural Radiotelephone Service, the frequencies set forth in § 21.601 are intended primarily for use in rendition of public message telephone exchange service and to provide radio trunking facilities between public message telephone exchanges. However, the frequencies may also be used for the rendition of private leased line communication service provided that such usage will not reduce or impair the extent or quality of communication service which would be available, in the absence of private leased line service, to the general public receiving or subsequently requesting message telephone service over the public message telephone exchange and radio trunking facilities.

§ 21.608 *Supplementary showing required with applications.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc., will serve the public interest, convenience and necessity. Among other things, such statement should include information concerning:

(1) The number of communication circuits (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each section of the system.

(2) The availability, adequacy, and reliability of existing public communication facilities in the area proposed to be served by the proposed radio facilities, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.)

(ii) The number of communication circuits of each type, listed in subparagraph (1) of this paragraph, currently being derived from each of these facilities.

(iii) The number of communication circuits to be added in each category to meet current and anticipated future load demands.

(iv) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(v) Where more than 24 circuits are to be derived from the proposed construction, list the circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of this chapter, in those cases where the applicant is subject to the provisions of section 214.

§ 21.609 *Rural subscriber and central exchange stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.601 (a) by rural subscriber stations and central exchange stations for rendition of rural radiotelephone service to subscribers at temporary locations under the following conditions:

(1) Operation at any one location normally shall not exceed 6 months.

(2) The station shall be used only for rendition of communication service at a remote point where the provision of wire telephone facilities is not practicable.

(3) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of this subchapter unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401-A (revised) completed in triplicate.

(b) Applications for authorizations to operate rural subscriber stations and central exchange stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of rural subscriber and central exchange transmitters.

§ 21.610 *Notification of station operation at temporary locations.* The licensee of stations which are authorized pursuant to the provisions of § 21.609 shall notify the Commission's Engineer-in-Charge of the radio district wherein

<sup>2</sup> Further reference should be made to §§ 21.103 to 21.105, inclusive.

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operation is to be conducted, at least two days prior to installation of the facilities, stating:

- (a) The call sign and specific location of the transmitter.
- (b) The identity and location of the station with which it will communicate.
- (c) The exact frequency to be used.
- (d) The commencement and termination dates of operation from each location. A copy of the foregoing notification shall be posted with the station license.

## SUBPART I—INTERCITY RADIO SERVICE

§ 21.700 *Eligibility* Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.701 *Allocation of frequencies.* (a) The following frequencies are available for assignment to Intercity stations in this service on a shared basis with stations in the Local Television Program Transmission Service:

## 3700–4200 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3710	3840	3970	4100
3720	3850	3980	4110
3730	3860	3990	4120
3740	3870	4000	4130
3750	3880	4010	4140
3760	3890	4020	4150
3770	3900	4030	4160
3780	3910	4040	4170
3790	3920	4050	4180
3800	3930	4060	4190
3810	3940	4070	
3820	3950	4080	
3830	3960	4090	

## 5925–6425 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
5937.5	6062.5	6187.5	6312.5
5962.5	6087.5	6212.5	6337.5
5987.5	6112.5	6237.5	6362.5
6012.5	6137.5	6262.5	6387.5
6037.5	6162.5	6287.5	6412.5

## 10,700–11,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,725	10,975	11,225	11,475
10,775	11,025	11,275	11,525
10,825	11,075	11,325	11,575
10,875	11,125	11,375	11,625
10,925	11,175	11,425	11,675

(b) The following frequencies are available for assignment to Intercity stations in this service on a shared basis with all other radio services:

890–940 Mc. Band<sup>1</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
890.5	894.0	897.5	901.0
891.0	894.5	898.0	901.5
891.5	895.0	898.5	902.0
892.0	895.5	899.0	902.5
892.5	896.0	899.5	903.0
893.0	896.5	900.0	903.5
893.5	897.0	900.5	904.0

<sup>1</sup> Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment within this frequency band. Subject to determination of Docket No. 10797.

890–940 Mc. Band<sup>1</sup>—Continued

(Mc.)	(Mc.)	(Mc.)	(Mc.)
904.5	913.5	922.5	931.5
905.0	914.0	923.0	932.0
905.5	914.5	923.5	932.5
906.0	915.0	924.0	933.0
906.5	915.5	924.5	933.5
907.0	916.0	925.0	934.0
907.5	916.5	925.5	934.5
908.0	917.0	926.0	935.0
908.5	917.5	926.5	935.5
909.0	918.0	927.0	936.0
909.5	918.5	927.5	936.5
910.0	919.0	928.0	937.0
910.5	919.5	928.5	937.5
911.0	920.0	929.0	938.0
911.5	920.5	929.5	938.5
912.0	921.0	930.0	939.0
912.5	921.5	930.5	939.5
913.0	922.0	931.0	

2450–2500 Mc. Band<sup>2</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
2455	2465	2475	2485	2495

## 9800–9900 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
9810	9830	9850	9870	9890

10,500–10,700 Mc. Band<sup>2</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,525	10,575	10,625	10,675

16,000–18,000 Mc. Band<sup>3</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,550	17,050	17,550
16,150	16,650	17,150	17,650
16,250	16,750	17,250	17,750
16,350	16,850	17,350	17,850
16,450	16,950	17,450	17,950

## 26,000–30,000 Mc. Band.

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	28,900	29,900

(c) The following frequencies are available for assignment to control stations in this service on a shared basis with certain other radio services, upon a satisfactory showing that it is impracticable to use wire lines:

72–76 Mc. Band<sup>4</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
72.02	72.62	73.22	73.82
72.06	72.66	73.26	73.86
72.10	72.70	73.30	73.90
72.14	72.74	73.34	73.94
72.18	72.78	73.38	73.98
72.22	72.82	73.42	74.02
72.26	72.86	73.46	74.06
72.30	72.90	73.50	74.10
72.34	72.94	73.54	74.14
72.38	72.98	73.58	74.18
72.42	73.02	73.62	74.22
72.46	73.06	73.66	74.26
72.50	73.10	73.70	74.30
72.54	73.14	73.74	74.34
72.58	73.18	73.78	74.38

<sup>2</sup> Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

<sup>3</sup> Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850–18,150 Mc. band.

<sup>4</sup> Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or

72–76 Mc. Band<sup>4</sup>—Continued

(Mc.)	(Mc.)	(Mc.)	(Mc.)
74.42	75.42	76.42	77.42
74.46	75.46	76.46	77.46
74.50	75.50	76.50	77.50
74.54	75.54	76.54	77.54
74.58	75.58	76.58	77.58

(d) The following frequencies are available for assignment to microwave auxiliary stations in this service on a shared basis with other radio services:

## 27.23–27.38 Mc. Band

## 27.255 Mc.

Assignments to stations on frequencies in this band are subject to the condition that they must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 26.96–27.28 Mc. band.

§ 21.702 *Transmitter power* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.703 *Emission limitations.*<sup>5</sup> (a) Stations in this service operating on frequencies in the 72–76 Mc. and 890–940 Mc. bands shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelegraphy, radiotelephony and facsimile.

(b) Stations in this service operating on frequencies in the 27.23–27.28 Mc. band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony.

(c) Except as limited by paragraphs (a) and (b) of this section, stations operating in the frequency bands listed in § 21.701 may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelegraphy, radiotelephony, facsimile and television.

(d) In addition to the aforementioned types of emission, use of unmodulated emission in other than the 27.23–27.28 Mc. and 72–76 Mc. bands may be authorized upon a sufficient showing of need therefor.

(e) The maximum bandwidth of emission normally authorized in this service

reception of television stations on channels 4 or 5. Pending promulgation of more definite engineering criteria setting forth the conditions under which assignments can be made to stations which are less than 80 miles from television station assignments on channels 4 or 5, assignments will be made only to stations located 80 miles or more from locations at which television assignments on channels 4 or 5 are listed in the Commission's television assignment plan. Any authorizations granted for use of these frequencies will carry a condition that they are subject to modification or termination at any time without hearing, upon notice to the grantee, as may be required by the final determination of the proceedings in Docket No. 10315.

<sup>5</sup> The use of FO and AO emission in the 72–76 Mc. band will not be authorized except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

shall not exceed the limits set forth below:

Frequency band:	Maximum bandwidth (Kc.)
27.23-27.28 Mc.	36
72-76 Mc.	36
890-940 Mc.	400
	(Mc.)
2450-2500 Mc.	10
3700-4200 Mc.	20
5925-6425 Mc.	25
9800-9900 Mc.	20
10,500-11,700 Mc.	50
16,000-18,000 Mc.	100
26,000-30,000 Mc.	200

Above 890 Mc., bandwidths in excess of the above limits may be authorized upon a sufficient showing of need therefor. The maximum bandwidths set forth in this paragraph shall not be construed as authority to employ bandwidths of emission in excess of that specified in the instrument of station authorization.

#### § 21.704 Modulation requirements.

(a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) Each transmitter operating on frequencies below 500 Mc. shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth of emission specified in the instrument of station authorization.

#### § 21.705 Permissible communications.

Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by § 21.703.

§ 21.706 *Supplementary showing required with applications.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc. will serve the public interest, convenience and necessity. Such statement must include information concerning:

(1) The nature and classification of the communication services to be provided (e. g., telegraph, telephone, program transmission for radio, television broadcasting, or theatre television, etc.)

(2) The number of communication circuits (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each section of the system.

(3) The availability, adequacy, and reliability of existing public communication facilities in the area proposed to be served by the proposed radio facilities, operated by the applicant or any other carrier, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.).

(ii) The number of communication circuits of each type, listed in subparagraph (1) of this paragraph, currently being derived from each of these facilities.

(iii) The number of communication circuits planned to be added in each category to meet current and anticipated future load demands.

(iv) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(v) Where more than 24 circuits are to be derived from the proposed construction, list the circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of this chapter in those cases where the applicant is subject to the provisions of section 214.

#### SUBPART J—LOCAL TELEVISION PROGRAM TRANSMISSION SERVICE

§ 21.800 *Eligibility.* Authorizations for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

#### § 21.801 Allocation of frequencies.

(a) The following frequencies are available for assignment to television pickup and television STL stations in this service:<sup>1</sup>

7050-7125 Mc. Band	12,700-12,875 Mc. Band
(Mc.)	(Mc.)
7062.5	12,712.5
7087.5	12,737.5
7112.5	12,762.5
	12,787.5

(b) In the event a television broadcast station licensee engages a communication common carrier to provide a pickup or STL service, the frequencies available to the broadcast station licensee under the apportionment set forth in para-

graphs (a) and (b) of § 4.602 of this subchapter pertaining to "Experimental and Auxiliary Broadcast Services" may be assigned to the communication common carrier for the purpose of providing such service to the broadcast station licensee.

(c) The frequencies available for assignment under the provisions of paragraphs (a) and (b) of this section shall be used only for the transmission of program material, or communications immediately related thereto, intended for use by stations in the Television Broadcast Service.

(d) On a shared basis with non-common carrier radio services, the following frequencies are available for assignment to television pickup and to television non-broadcast pickup stations in this service for transmission of television program material:

#### 2450-2500 Mc. Band

(Mc.)
2455
2465
2475
2485
2495

Stations operating on frequencies in the 2450-2500 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

#### 3500-3700 Mc. Band<sup>2</sup>

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3510	3570	3630	3690
3530	3590	3650	
3550	3610	3670	

#### 6425-6575 Mc. Band<sup>2</sup>

(Mc.)	(Mc.)
6437.5	11,725
6462.5	11,775
6487.5	11,825
6512.5	11,875
6537.5	11,925
6562.5	11,975
	12,025
	12,075
	12,125
	12,175

#### 16,000-18,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,550	17,050	17,550
16,150	16,650	17,150	17,650
16,250	16,750	17,250	17,750
16,350	16,850	17,350	17,850
16,450	16,950	17,450	17,950

Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850-18,150 Mc. band.

#### 26,000-30,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	28,900	29,900

(e) The following frequencies are available for assignment to television STL stations in this service on a shared

<sup>1</sup> The frequencies listed herein are subject to the final action taken in Docket No. 10345 (Amendment of Part 4 of this subchapter).

<sup>2</sup> Subject to determination in Docket No. 10797.



basis with stations in the Intercity Radio Service:

3700-4200 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3710	3840	3970	4100
3720	3850	3980	4110
3730	3860	3990	4120
3740	3870	4000	4130
3750	3880	4010	4140
3760	3890	4020	4150
3770	3900	4030	4160
3780	3910	4040	4170
3790	3920	4050	4180
3800	3930	4060	4190
3810	3940	4070	
3820	3950	4080	
3830	3960	4090	

5925-6425 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
5937.5	6082.5	6187.5	6312.5
5962.5	6087.5	6212.5	6337.5
5987.5	6112.5	6237.5	6362.5
6012.5	6137.5	6262.5	6387.5
6037.5	6162.5	6287.5	6412.5

10,700-11,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,725	10,925	11,125	11,325	11,525
10,775	10,975	11,175	11,375	11,575
10,825	11,025	11,225	11,425	11,625
10,875	11,075	11,275	11,475	11,675

(f) The following frequencies are available for assignment to television STL stations in this service on a shared basis with non-common carrier radio services:

2450-2500 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
2455	2465	2475	2485	2495

Stations operating on frequencies in the 2450-2500 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

9800-9900 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
9810	9830	9850	9870	9890

10,500-10,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,525	10,575	10,625	10,675

Stations operating on frequencies in the 10,500-10,700 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

16,000-18,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,450	16,850	17,250	17,650
16,150	16,550	16,950	17,350	17,750
16,250	16,650	17,050	17,450	17,850
16,350	16,750	17,150	17,550	17,950

Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850-18,150 Mc. band.

26,000-30,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	28,900	29,900

(g) The following frequencies are available for assignment to microwave

auxiliary stations in this service on a shared basis with other radio services:

27.23-27.28 Mc. Band

27.255 Mc.

Assignments to stations on frequencies in this band are subject to the condition that they must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 26.96-27.28 Mc. band.

§ 21.802. *Assignment of frequencies to mobile stations.* The assignment of frequencies to mobile stations in this service shall not be limited to a single licensee within any area. However, geographical limits within which mobile units may operate may be imposed by the Commission.

§ 21.803. *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.804. *Emission limitations.* (a) Stations in this service operating on frequencies in the 27.23-27.28 Mc. band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony.

(b) Except as limited by paragraph (a) of this section, stations operating in the frequency bands listed in § 21.801 may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelephony and television. In addition to the aforementioned types of emission, use of unmodulated emission may be authorized upon a sufficient showing of need therefor.

(c) The maximum bandwidth of emission normally authorized in this service shall not exceed the limits set forth below:

Frequency band:	Maximum bandwidth (kc.)
27.23-27.28 Mc.	36
2450-2500 Mc.	10
3500-4200 Mc.	20
5925-7125 Mc.	25
9800-9900 Mc.	20
10,500-12,200 Mc.	50
12,700-13,200 Mc.	25
16,000-18,000 Mc.	100
26,000-30,000 Mc.	200

Above 2450 Mc., bandwidths in excess of the above limits may be authorized upon a sufficient showing of need therefor. The maximum bandwidths set forth in this paragraph shall not be construed as authority to employ bandwidths of emission in excess of that specified in the instrument of station authorization.

§ 21.805. *Modulation requirements.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communica-

\*The maximum bandwidth of emission listed herein in the frequency bands 6875-7065 Mc. and 12,950-13,200 Mc., shall be subject to the final action taken on Docket No. 10345 (Amendment of Part 4 of this subchapter).

tion and shall normally be maintained above 70 percent on peaks; but shall not exceed 100 percent on negative peaks.

(b) Each transmitter operating on frequencies below 500 Mc. shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth of emission specified in the instrument of station authorization.

§ 21.806. *Remote control operation of mobile television pickup stations.* (a) Mobile television pickup stations (including non-broadcast) may be operated by remote control from fixed locations for periods not to exceed 60 days, provided the Commission's Engineer-in-Charge of the radio district wherein operation is to be conducted shall be notified in writing by the licensee prior to operation of the facilities by remote control concerning:

- (1) The call sign and specific location of the transmitter.
- (2) The exact frequencies to be used.
- (3) The location of the transmitter control point.
- (4) The commencement and termination dates of operation from the specified location.

A copy of the foregoing notification shall be kept with the station license.

(b) The Commission may, upon adequate showing by the licensee as to why the television pickup operations should not be conducted under a fixed station authorization, renew the authority granted under the provisions of paragraph (a) of this section.

[F. R. Doc. 54-1; Filed, Jan. 6, 1954; 8:45 a. m.]

[ 47 CFR Part 7 ]

[Docket No. 10831]

AUTHORIZED TRANSMITTER-POWER

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 7.134 (e) of the Commission's rules to permit public coast station use of the same power on 156.8 Mc. as licensed for use in the frequency band 161.85 to 162.05 Mc., Docket No. 10831.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has been requested by the Illinois Bell Telephone Company to amend § 7.134 (e) of the Commission's rules governing stations on land in the maritime services to permit public coast stations to use the same transmitter-power on 156.8 Mc. as licensed for use on the public correspondence frequencies 161.9 Mc. and 162.0 Mc. The Company has expressed the view that if a transmitter power in excess of 250 watts is necessary to provide satisfactory communication on the public correspondence frequencies, a comparable power should be permitted on the calling and safety frequency. The Company has further

\*Reference should be made to § 21.112 concerning mobile station antenna height restrictions and to paragraphs (c) and (d) of § 21.116 concerning control points.

indicated that public coast station use of the same power on the calling and safety frequency 156.8 Mc. as licensed on the public correspondence frequencies would allow for similar station communication range on the frequencies and that the stations could then fully develop the potentialities of the calling and safety frequency for promoting safety and expediting contacts with vessels that cannot be called on the public correspondence channels.

3. The issue involved in this proceeding appears to concern the benefits to be derived from the use of the same transmitter-power (in excess of 250 watts) by public coast stations for operation on the safety and calling frequency 156.8 Mc as for operation on public correspondence working channels. To resolve this issue, it appears necessary, in part, to develop the effects which an increased power disparity among sta-

tions using 156.8 Mc, introduced by allowing public coast stations to use up to 1000 watts on the frequency, would have upon communications on the frequency; particularly intership communications. Under Parts 7 and 8 of the Commission's rules, public coast stations may be authorized a maximum transmitter-power of 250 watts on the frequency 156.8 Mc; ship and limited coast stations, 100 watts; and marine utility stations, 10 watts. On working channels in the band 161.85 to 162.05 Mc, public coast stations may employ a maximum transmitter-power of 1000 watts. Since the proceeding concerns the use of a frequency which is common for safety and calling purposes to coast and ship stations working in the 152-162 Mc band, the Commission wishes to obtain the views of all concerned in the matter.

4. Interested persons are requested to file with the Commission on or before

March 3, 1954, a written statement or brief setting forth his comments. The Commission will consider all comments and briefs presented before taking further action with respect to the request for amendment of the rules.

5. The proposed rule making is issued under the authority of sections 303 (c) (e) (f), (h) and (r) of the Communications Act of 1934, as amended.

6. Fifteen copies of each brief or written report should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WILL P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-93; Filed, Jan. 6, 1954;  
8:50 a. m.]

## NOTICES

### DEPARTMENT OF LABOR

#### Wage and Hour Division

##### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1063, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818)

J. Freezer & Son, Inc., Rural Retreat, Va., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

Huntington Manufacturing Co., Inc., "Blue Ridge" Factory, 629 Tenth Street, Huntington, W. Va., effective 12-28-53 to 12-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Edward Hyman Co., Prentiss Plant, Prentiss, Miss., effective 12-24-53 to 12-23-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work uniforms, pants, shirts, and coats).

F. Jacobson & Sons, Inc., Salisbury, Md., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Jayson-York, Inc., East Street and Pennsylvania Avenue, York, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

McAllisterville Shirt Factory, Box A, Juniata County, Fayette Township, McAllisterville, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress and sport shirts).

McKenzie Pajama Corp., Box 38, McKenzie, Tenn., effective 1-6-54 to 1-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Madill Manufacturing Co., Madill, Okla., effective 12-22-53 to 6-21-54; 25 learners for expansion purposes (men's dress trousers).

Monleigh Garment Co., Yadkinville Highway, Mocksville, N. C., effective 1-3-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

The Morelle Manufacturing Co., 226-28 Center Street, Ashtabula, Ohio, effective 12-28-53 to 12-27-54; 10 learners for normal labor turnover purposes (dresses).

Rainfair, Inc., Wynne, Ark., effective 1-4-54 to 7-3-54; 50 learners for plant expansion purposes (dress pants).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Salem Shirt Factory, Delaware Township, Millintown, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 1-13-54 to 1-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 1-13-54 to 1-12-55; 20 learners for expansion purposes (work shirts).

Waverly Garment Co., Waverly, Tenn., effective 12-26-53 to 12-25-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and army clothing).

Wilmore Manufacturing Co., Wilmore, Ky., effective 12-23-53 to 12-22-54; 10 learners for normal labor turnover purposes (boys' and men's shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Wonderknit Corp., 120 West Grayson Street, Calax, Va., effective 12-23-53 to 12-27-54; 50 learners for expansion purposes (sport shirts and polo shirts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of December 1953.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 54-75; Filed, Jan. 6, 1954;  
8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Reclamation

[Public Announcement 16]

## SOUTH-COLUMBIA BASIN IRRIGATION DISTRICT, COLUMBIA BASIN PROJECT, WASHINGTON

## PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

## LANDS COVERED

DECEMBER 14, 1953.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2:00 p. m., January 5, 1954.

The farm units hereby offered for sale by the United States are all in Block 16, Franklin County, Washington, and are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
10	71	95.1	79.0	19.0	46.6	13.4	16.1	\$3,631.40
	72	190.4	103.6	27.3	55.7	20.6	86.8	4,880.60
	73	164.1	93.8	27.2	37.2	29.4	70.3	3,462.10
	84	98.2	95.3	40.0	54.9	.4	2.9	5,734.40
	89	168.5	108.4		23.9	84.5	60.1	1,912.80
	90	215.1	105.5		51.2	54.3	109.6	3,378.00
	91	147.9	109.6		89.2	20.4	38.3	1,910.90
	92	167.9	70.7		49.6	21.1	87.2	1,872.20
	93	159.9	49.2		4.2	45.0	110.7	1,808.10
	94	160.1	59.7		43.0	16.7	100.4	2,094.50
	97	84.6	68.7	20.0	27.9	20.8	15.9	3,167.20
	98	74.7	58.0	22.0	18.2	17.8	16.7	1,551.30
	99	160.4	89.2	21.2	41.8	26.2	71.2	4,655.80
	103	107.6	82.5		77.6	4.9	25.1	1,866.80
	104	105.6	85.0		61.0	24.0	20.6	1,437.80
	105	133.3	108.5		91.6	16.9	24.8	1,813.40
	106	106.3	102.8		59.0	43.8	3.5	1,666.20
	107	106.4	90.1		47.4	42.7	16.3	1,603.70
	108	153.5	80.9		46.5	34.4	77.6	2,299.50
	109	109.9	84.5		35.6	48.9	25.4	1,454.90
	116	120.3	102.0		77.2	24.8	18.3	1,658.80
	117	160.3	117.7		83.2	34.5	42.6	2,073.30
	118	172.9	76.2		22.7	53.5	96.7	2,046.00
	119	161.2	89.5		63.4	26.1	71.7	1,856.85
	120	222.3	131.0		16.0	115.0	91.3	2,607.60
	121	175.7	106.8		29.8	77.0	68.9	2,111.60
	124	108.2	80.8		65.9	14.9	27.4	3,222.60
	126	137.2	83.4		53.6	29.8	53.8	1,687.50
	127	159.6	97.6		77.6	19.9	62.1	2,113.50
	128	187.4	99.6		30.3	69.3	87.8	2,121.95
	129	153.1	93.0		7.8	85.2	66.1	1,860.85
	130	168.9	87.6		60.4	27.2	71.3	1,681.00
	138	198.5	95.8		26.9	68.9	102.7	1,933.95
	141	113.7	103.4		91.0	11.5	10.3	1,763.70
	142	180.6	100.9		72.1	28.8	79.7	2,011.45
	143	132.7	94.6		62.3	32.3	38.1	1,652.75
	144	146.4	95.2		81.8	13.4	51.2	1,872.50
	146	85.3	79.6	12.6	60.0	7.0	8.7	3,200.80
	147	84.7	81.4	1.7	77.2	2.5	3.3	1,631.30
	148	78.1	71.6	30.5	35.1	6.0	6.5	2,886.70
	149	96.8	89.4	.6	73.5	15.3	7.4	3,589.70
	150	106.5	85.3		34.8	50.5	21.2	3,607.00
	151	90.6	73.0		55.8	17.2	17.6	1,208.00
	152	98.8	84.0		60.9	23.1	14.8	1,338.70
	153	142.9	107.8	15.6	59.2	33.0	35.1	1,913.10
	154	162.7	110.9		30.3	80.6	51.8	2,009.75
	155	179.9	122.0		10.9	111.1	57.9	1,947.55
	156	159.6	88.7		44.9	43.8	70.9	1,981.90
	157	171.9	108.9		76.5	32.4	63.0	2,045.55
	158	128.2	94.0	4.7	45.9	43.4	34.2	1,699.90
	159	144.7	91.9		38.1	53.8	62.8	1,359.95
	160	101.3	94.0	42.8	44.5	6.7	7.3	4,715.40
	161	83.3	76.4	57.6	18.8		6.9	3,018.40
	162	93.9	84.7	31.5	42.6	10.6	9.2	3,251.00
	163	74.6	68.0	46.4	19.0	2.6	6.6	1,706.60
	164	101.3	97.0	18.0	71.8	7.2	4.3	1,944.30
	165	112.2	105.7		91.0	15.7	5.5	2,139.60
	170	82.8	72.9	40.7	30.0	2.2	9.9	1,881.40
	171	113.3	81.6	38.4	39.3	3.8	31.8	1,478.40
	172	104.5	86.8	44.0	41.1	1.7	17.7	1,615.35
	173	125.0	99.1	23.1	42.4	33.6	25.9	1,627.45
	174	186.3	105.2	64.1	41.1		81.1	2,091.35
	176	148.1	81.1	18.9	44.1	18.1	67.0	1,659.20
	180	116.9	94.6		91.9	2.7	22.3	1,661.65
	181	114.8	85.7	12.1	70.8	2.8	28.1	1,464.76
	184	213.6	148.7	6.7	128.1	13.9	64.8	2,630.05
	185	162.0	85.8		73.3	12.5	76.2	1,778.65
	186	146.8	109.4		63.8	55.6	37.4	1,609.00
	187	151.7	122.8		99.1	23.7	28.9	2,019.10
	190	169.1	100.2		97.1	3.1	68.9	1,995.70
	191	123.1	106.6		92.5	14.1	16.5	1,672.70
	193	145.4	90.8	15.8	75.0		54.6	1,616.80
	194	95.3	72.2	50.8	12.9	8.5	23.1	1,406.20
	195	107.8	88.4	17.1	54.7	16.6	19.4	1,648.95
	196	138.8	102.5		83.1	19.4	38.3	1,776.95
	205	159.3	103.5		103.5		55.8	1,644.00
	206	161.1	123.7	9.7	109.2	4.8	37.4	2,107.40
	207	122.3	105.6	7.2	88.5	9.9	16.7	1,634.90
	209	191.4	137.3		98.7	33.6	54.1	2,081.70
	219	138.3	125.2			125.2	13.1	1,608.00
	220	130.8	111.0		9.8	101.2	19.8	1,465.15
	236	101.8	61.4		30.7	30.7	40.4	1,189.55

The official plat of this irrigation block is on file in the office of the County Auditor, Franklin County, Pasco, Washington, and copies are on file in the office of the Bureau of Reclamation at Ephrata, Washington, and the Regional office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

## PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), a preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit application during a 45-day period beginning at 2 p. m., January 5, 1954, and ending at 2 p. m., February 19, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1953, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds

received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

**SEC. 4. Definition of honorable discharge.** An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

#### QUALIFICATIONS REQUIRED OF PURCHASERS

**SEC. 5. Examining board.** An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

**SEC. 6. Minimum qualifications.** Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. **Character and industry.** An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. **Farm experience.** Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm ex-

perience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. **Health.** An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. **Capital.** An applicant must possess assets worth at least \$4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash, or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than \$500 or a passenger car at more than \$500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

**SEC. 7. Other qualifications required.** Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

#### WHERE AND HOW TO SUBMIT AN APPLICATION

**SEC. 8. Filing application blanks.** Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No ad-

vantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

#### SELECTION OF QUALIFIED APPLICANTS

**SEC. 9. Priority of applications.** All applications, except those received from qualified exchange applicants prior to 2 p. m., February 19, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. **First Priority Group.** All complete applications filed prior to 2 p. m., February 19, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. **Second Priority Group.** All complete applications filed prior to 2 p. m., February 19, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. **Third Group.** All complete applications filed after 2 p. m., February 19, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

**SEC. 10. Public drawing.** After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

**SEC. 11. Submission of evidence of qualification.** After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his refer-

ences within the time period specified will subject his application to rejection.

**Sec. 12. Examination and interview.** After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region I, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

#### SELECTION OF FARM UNITS

**Sec. 13. Order of Selection.** The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to

complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

**Sec. 14. Failure to select.** If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

#### PURCHASE OF SELECTED UNITS

**Sec. 15. Execution of purchase contract.** When a farm unit is selected by an applicant as provided in section 13 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execu-

tion and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the South-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

**Sec. 16. Terms of sale.** Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year)			
	2d year	3d year	4th year	5th year
10 to 40.....	75	-----	-----	-----
41 to 60.....	50	75	-----	-----
61 to 80.....	50	50	75	-----
81 to 100.....	40	60	50	75
101 to 160.....	35	50	50	75

d. *Residence requirements.* A major objective of the settlement program for



the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving on to the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

#### IRRIGATION CHARGES

Sec. 17. *Water rental charges.* During the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

Sec. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1956. During the development period, water rental charges will average an estimated \$5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

Sec. 19. *Construction period repayment charges—*a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the South-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be \$2.12 per year. Thus, the total construction charge payment will average \$85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed \$280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAH, Jr.,  
Assistant Secretary of the Interior.

DECEMBER 14, 1953.

[F. R. Doc. 54-74; Filed, Jan. 6, 1954;  
8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### BROADCAST BUREAU

#### ORDER REDEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The Broadcast Bureau shall consist of an Office of the Chief, a Broadcast Facilities Division, a Renewal and Transfer Division, a Hearing Division, a Rules and Standards Division, and a License Division.

The Bureau shall assist, advise, and make recommendations to the Commission with respect to the development of a regulatory program for the radio broadcast services except the international broadcast services and shall be responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations and policies of the Commission.

The Bureau shall perform the following functions:

1. Receive, examine, file, index and record applications in the radio broadcast services, issue authorizations in accordance with Commission instructions and directions, and make recommendations to the Commission thereon.

2. Participate in hearings involving applications, rule making and other matters which pertain to the radio broadcast services.

3. Make recommendations to the Commission concerning the promulgation of rules and standards in the radio broadcast services.

4. Participate in international conferences with respect to radio broadcast services.

5. Study frequency requirements in the radio broadcast services and make recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

6. Confer with government and industry groups interested in the problems of radio broadcast services.

7. Study and establish technical requirements for equipment in the radio broadcast services in accordance with standards established by the Commission.

8. Perform all other functions or activities essential to carrying out the above duties and responsibilities.

9. Exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (e) of the Communications Act of 1934, as amended.

B. The Bureau shall be under the direction of the Chief of the Bureau who, subject to the decisions and policy determinations of the Commission, shall plan, direct, and coordinate the radio broadcast services functions listed in paragraph A above.

C. The Broadcast Facilities Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to standard (AM) FM, television and auxiliary broadcast services, excluding functions enumerated in D, E, F and G below.

D. The Renewal and Transfer Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to applications for renewals of licenses, transfer of control and assignment of licenses or construction permits, and shall exercise responsibility for maintaining the enforcement of applicable statutes, the rules and regulations and orders of the Commission insofar as they relate to radio broadcast stations.

E. The Hearing Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to applications which have been designated for hearing and revocations of licenses or construction permits in the radio broadcast services.

F. The Rules and Standards Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions relate to development or revision of rules and standards, international conferences, and special projects in the radio broadcast services.

G. The License Division shall be under the direction of a Chief, who, under the

supervision and direction of the Chief of the Bureau, shall exercise responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast service, the clerical functions with respect to the issuance of broadcast authorizations, and for the maintenance of a public reference room in cooperation with the Docket Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

H. This order supersedes the Commission's order of February 14, 1952, Document No. FCC 52-149.

This order shall be effective immediately.

Released: January 4, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-89; Filed, Jan. 6, 1954;  
8:49 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER-CONTINUING ORAL ARGUMENT

In the matter of Mackay Radio and Telegraph Company, Inc., applications for radiotelegraph circuits between the United States and Finland, Portugal, Surinam, and The Netherlands; Docket No. 8777.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953;

The Commission having under consideration its order of December 3, 1953, herein, whereby oral argument in these proceedings was scheduled for January 22, 1954;

It appearing, that, because of the pressure of other matters, it will be impossible for the Commission to hear oral argument herein on January 22, 1954,

*It is ordered*, That the oral argument herein now scheduled for January 22, 1954, is postponed to the 2d day of February 1954.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-90; Filed, Jan. 6, 1954;  
8:49 a. m.]

[Docket No. 10823]

SOUTHWESTERN BELL TELEPHONE CO. AND  
ALEDOTELPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of J. B. McDuff, d/b as the Aledo Telephone Company; Docket No. 10823, File No. P-C-3370.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of the telephone plant and property of J. B. McDuff, d/b as the Aledo Telephone Company will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered*, This 31st day of December 1953, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered*, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10 a. m. on the 28th day of January 1954, and that a copy of the order shall be served upon the Southwestern Bell Telephone Company, J. B. McDuff, d/b as the Aledo Telephone Company, the Governor of the State of Texas, and the Postmaster of Aledo, Texas;

*It is further ordered*, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Aledo, Texas, and in Parker County, Texas, and shall furnish proof of such publication at the hearing herein.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-91; Filed, Jan. 6, 1954;  
8:50 a. m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT  
MEMBERS OF FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT  
OF CONDITION AND ANNUAL REPORT OF  
INCOME AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Thursday, December 31, 1953, on Form 64 (Savings)<sup>1</sup> and a report of income and dividends for the calendar year 1953, on Form 73 (Savings)<sup>1</sup>. Said report of condition and report of income and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Sav-

<sup>1</sup> Filed as part of original document.

ings) and Report of Income and Dividends on Form 73 (Savings)" dated June 1951.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[F. R. Doc. 54-85; Filed, Jan. 6, 1954;  
8:48 a. m.]

INSURED STATE BANKS NOT MEMBERS OF  
FEDERAL RESERVE SYSTEM EXCEPT BANKS  
IN DISTRICT OF COLUMBIA AND MUTUAL  
SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT  
OF CONDITION AND ANNUAL REPORT OF  
EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Thursday, December 31, 1953, on Form 64<sup>1</sup>—Call No. 40, and a report of earnings and dividends for the calendar year 1953, on Form 73.<sup>1</sup> Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," dated June 1951, and said report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," dated December 1951.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[F. R. Doc. 54-86; Filed, Jan. 6, 1954;  
8:48 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC  
CO. OF MISSOURI

SUPPLEMENTAL ORDER PURSUANT TO IN-  
TERNAL REVENUE CODE AND RELEASING  
CERTAIN JURISDICTION WITH RESPECT TO  
CONSUMMATION OF PLAN

DECEMBER 30, 1953.

In the matter of the North American Company, Union Electric Company of Missouri (File No. 54-205) the North American Company, (File No. 59-95)

The Commission having issued its findings and opinion and order on October 31, 1952, approving a plan for the liquidation and dissolution of the North American Company ("North American") pursuant to section 11(e) of the act; said

plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union") said plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey North American having on said date declared said plan to be effective as of January 20, 1953; said plan having become effective; North American having effected the initial partial liquidating distribution of shares of \$10 par value common stock of Union to stockholders of North American on January 20, 1953, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 22, 1952;

It appearing that in connection with and as a part of the liquidation and dissolution of North American, as required by the plan, North American has proposed to make a second partial liquidating distribution of shares of \$10 par value common stock of Union to stockholders of North American on January 21, 1954, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 21, 1953, and that in connection with such proposed distribution North American and Union have proposed that North American surrender for conversion 796,124 shares of no par value common stock of Union and receive 796,124 shares of \$10 par value common stock of Union as part of the securities required for distribution on January 21, 1954, to the common stockholders of North American;

North American having requested the Commission to issue an appropriate order, with respect to said transactions, under Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended;

The Commission in said order of October 31, 1952, having reserved jurisdiction, inter alia, with respect to (i) the amount of cash to be paid by North American to its stockholders in lieu of fractional shares of such Union common stock which would otherwise be distributed to such stockholders, and (ii) the terms and provisions of the assistance to be provided by North American to its stockholders receiving four shares or less of such Union common stock, in interim distributions as proposed in said plan, to enable such stockholders to dispose of such shares without brokerage charges or commissions;

North American having advised the Commission that cash will be paid at the rate of \$33.125 per share of \$10 par value Union common stock in lieu of fractional shares of such Union common stock in connection with the second partial liquidating distribution to be effected by North American on January 21, 1954; and North American having further advised the Commission that arrangements have been made with the firm of Merrill Lynch, Pierce, Fenner & Beane which will ensure to stockholders receiving four shares or less of such Union common stock and who desire to sell the same, a

price, barring unusual market conditions, approximating the closing sale price, but not less than the closing bid price, on January 20, 1954, of such Union common stock on the New York Stock Exchange;

The Commission deeming it appropriate and in the public interest to grant North American's request for an order pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having considered the entire record and finding that the proposals respecting the cash to be paid in lieu of fractional shares of such Union common stock and the assistance to be rendered those stockholders of North American receiving four shares or less of such Union common stock who desire to sell the same, are fair and equitable and meet the other applicable standards of the act, and the jurisdiction heretofore reserved with respect to such matters should be released to the extent indicated below:

*It is hereby ordered and recited and the Commission finds,* That the proposed surrender by North American to Union of 796,124 shares of no par value common stock of Union, represented by certificates Nos. NC79 through NC83, for conversion and the proposed issue by Union and the receipt by North American in exchange therefor upon such conversion of 796,124 shares of \$10 par value common stock of Union, represented by certificate No. TNE643, in connection with and as part of the liquidation and dissolution of North American and as authorized or permitted by the order of this Commission of October 31, 1952, and in obedience thereto, are necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

*It is further ordered,* That in connection with the second partial liquidating distribution of shares of \$10 par value common stock of Union, as proposed in the plan, jurisdiction be, and the same hereby is, released with respect to (a) the amount of cash to be paid to the holders of common stock of North American in lieu of fractional shares of such Union common stock and (b) the assistance to be rendered the North American stockholders receiving four shares or less of such Union common stock who desire to sell the same.

*It is further ordered,* That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, and with respect to all other matters as to which jurisdiction has heretofore been reserved and not herewith specifically released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-77; Filed, Jan. 6, 1954;  
8:46 a. m.]

<sup>1</sup> Filed as part of original document.  
No. 4—6

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 12]

CALIFORNIA

### DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 30, 1953, because of the disastrous effect of forest fires, damage resulted to residences and business property located in certain areas in the State of California; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that

1. Applications for disaster loans under the provisions of section 207(b) of the Small Business Act of 1953 may be received and considered by the SBA Branch Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of Los Angeles: Small Business Administration, Branch Office, 117 West Ninth Street, Suite 711, Los Angeles 15, Calif.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to July 31, 1954.

Dated: January 4, 1954.

WENDELL B. BARNES,  
*Acting Administrator*

[F. R. Doc. 54-87; Filed, Jan. 6, 1954;  
8:49 a. m.]